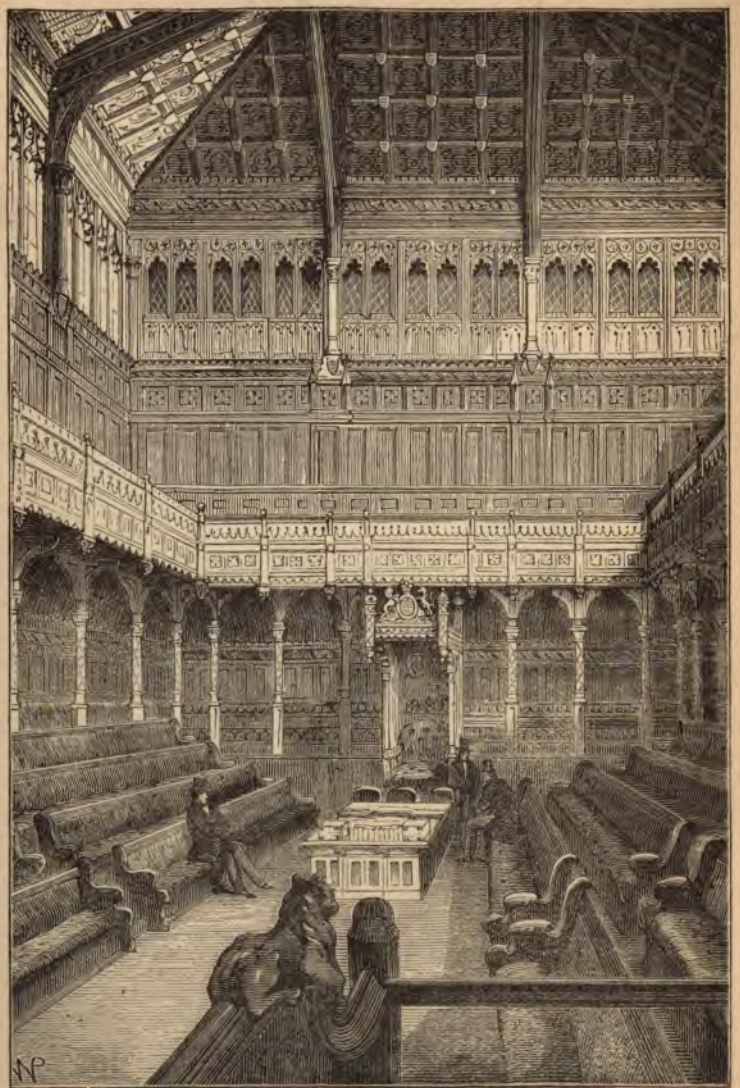
How We are Governed

OR THE

CROWN, PARLIAMENT & PEOPLE

SIXTEENTH EDITION REVISED & RE-EDITED

HOW WE ARE GOVERNED.



INTERIOR OF THE HOUSE OF COMMONS.

HOW WE ARE GOVERNED

A Handbook

OF

THE CONSTITUTION, GOVERNMENT, LAWS, AND POWER OF THE BRITISH EMPIRE

BY

ALBANY DE FONBLANQUE

THE SIXTEENTH EDITION, REVISED AND RE-EDITED

BY

W. J. GORDON

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PREFACE.

It is now more than thirty years since Albany de Fonblanque wrote "How we are Governed," and during that time our system of government has undergone many considerable changes. From the first the work met with great success; it was reprinted many times: editor after editor revised it, and made it less like what it had been; and in the fifteenth edition it was very justly observed that there was very little to be found of the original except the admirable plan. In this edition I have had to go further. I have re-written the whole. By omission of much allusion to the past, and I trust all that is obsolete, I have found room for additional information as to the present; and in noticing the many new departments and the re-organization of the old ones, I have had to alter the arrangement of the chapters. But I have done my best to keep in view the original purpose of the work, and to bring it back as much as possible to the popular lines on which De Fonblanque wrote it.

"It is desirable," said he, "that you should acquire some knowledge of the institutions under which you have the happiness to live; of the machinery by which the govern-

ment of the country is conducted; and of the judicial tribunals by which obedience to the law is enforced.

"That information I propose to impart to you in a series of Letters. I cannot of course enter very minutely into the details of so large a subject. For these I must refer you to other works; but I hope to be able to give you such an outline of our constitutional system as will not only be useful in itself, but will serve as an introduction to the more complete and careful study of this extensive and interesting field of inquiry.

"You will thus, I trust, be placed in a position to understand the various political questions which you may hear discussed around you, and to appreciate both the substantial merits and the slight defects of a system which has been formed by the persevering and patriotic efforts of many generations of Englishmen, and under which the British empire has come to be what we see it to-day—the envy and admiration of less fortunate nations."

It is in this spirit that this new edition has been written.

W. J. G.

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HOW WE ARE GOVERNED.

LETTER I.

THE CONSTITUTION.

The Origin of the British Constitution—Of Parliamentary Government—The Power of the Witan—The Feudal System—Taxation of the Country—Origin of the Houses of Lords and Commons—Parliament—Rights of British Subjects—Habeas Corpus Act—Bill of Rights—The Freedom of the Press.

THE Constitution of a country is the system under which it is governed.

The Constitution of our country came into existence at no particular date; its origin is hidden amid the general obscurity that surrounds the early history of our ancestors, and it has been gradually modified by the necessities of the times until it is as we have it to-day. Each step in its growth has been the consequence of some earlier step; each change has been, not the introduction of anything new, but the development of something that already existed.

Our forefathers, who invaded and conquered this land in the sixth and seventh centuries, brought hither their mode of government, and it is from that mode of government that our present Constitution is derived.

Our country is governed by its laws, which are made by the people through their representatives in Parliament, and administered by the Monarch, who may now be either king or queen. It is sometimes said that we are under "Monarchical Government," because the Monarch is the head of the State. It is as often said that we are under a "Parliamentary Govern-

ment," because the Parliament makes the laws and controls those who administer them.

This making of the laws and controlling of their administrators by the people was the principle of government introduced into this country by those early English—Angles, Saxons, and Jutes, as they are called by many authors—who brought it with them from their old homes on the continent of Europe. But then every free man had the right to attend the Great Council of the Nation, which is now replaced by Parliament. This assemblage was called by various names, but it is best known to us as the Witan, or Meeting of Wise Men.

The Witan chose the Monarch, and the Witan could depose him. The laws were made, and the taxes imposed, by its authority. But although the Witan decreed the laws, it was the King who carried out their decrees. No important act of the King was valid without the assent of the Witan, which, together with the King, was thus made the supreme legislature and tribunal of the English realm.

Those from whom the King drew his power shared with him in its exercise. And those who gave him his power and guided him in its exercise could also, when need so called, take away the power which they had given. "Six times at least," says Professor Freeman, "in the space of nine hundred years, from Sigeberht of Wessex to James the Second, has the Great Council of the Nation thus put forth the last and greatest of its powers. The last exercise of this power has made its future exercise needless. All that in old times was to be gained by the deposition of a King can now be gained by a vote of censure on a Minister, or, in the extremest case, by his impeachment."

These "Ministers" are the heads of the various departments of the State. They are in theory chosen by the Sovereign, and belong to the political party which possesses a majority of votes in the House of Commons. They hold seats in Parliament, and are responsible to Parliament for the way in which they perform their work. The principle of their responsibility was first formally recognized in 1696, and first publicly proclaimed in Parliament in 1711 by Lord Rochester in a debate in the House of Lords on the affairs of Spain.

There is no public act of the Sovereign for which there is not some Minister or Ministers responsible. The Ministers

are thus the real governors of the country, ruling it as they do in the Monarch's name, and hence being spoken of collectively as "the Government." The United Kingdom is, in fact, a republic in disguise, with the Prime Minister for its president, and the Monarch as nominal head of its executive.

William the Conqueror became King of England by the vote of the Witan after the battle of Hastings, and professed to rule according to the laws of Edward the Confessor. He it was who fully established amongst us the *Feudal System*; not, as is sometimes said, to enable him to reward his followers out of the spoil of a conquered country, but at the request of the Witan, in order that the kingdom might be put in a state of defence against a threatened invasion of the Danes. The system was then in force throughout a great portion of Europe, and had been gradually spreading in this country under the rule of the later Old English kings. It was a social organization based on land ownership, which had grown up by the side of an earlier system which it wholly or partially displaced. Once established, however, by the people for their protection against a foreign enemy, it was soon turned against them, by those to whom they looked for protection, into an engine of oppression. Under this feudal system (which, in its purity, was admirably adapted to an age in which war and conquest were the chief pursuits of mankind) the entire soil of a country was held to be the absolute property of its sovereign; and was divided into estates called *feuds* or *feofs*, and held of him by his chief men, called the *barons*, *vassals*, and *tenants in capite* of the Crown, upon the condition of their doing homage and swearing *fealty* (loyalty) to him, and attending him in his wars at the head of a certain number of armed men. To obtain these they in turn had to distribute land, and also, whilst performing their services, to let out their own estates for cultivation in their absence, receiving *rent* (called in those days *redditus*, or a return) in the shape of corn and provisions to support them and their followers upon their campaigns. The relationship thus created was known as that of *lord* and *vassal*. Every vassal was bound to defend or obey his immediate lord, according to the terms under which he held his land, but no further. On his part the lord was bound to protect his vassals, and to do justice between them.

At first these *feuds* were held only during the will of the lord; they could not be transferred or disposed of by those who held them during their lives, nor did they descend to their heirs at their death. Those persons only who were capable of bearing arms, and were chosen by the lord, could succeed to them. Infants, women, and monks were therefore excluded as a matter of course. Subsequently the heirs of a deceased tenant were permitted to share his lands amongst them upon payment of what was called a *fine*, or present of armour, horses, or money to the lord. But the division of authority this occasioned was found to weaken the defences of the country; and it became the general rule to admit one heir only, in some parts the eldest, in others the youngest, son of the deceased, or some other male relative capable of taking upon himself the conditions of the feud. Gradually, as intelligence and wealth began to increase, and other arts than those of war to be followed, these feuds became the absolute property of their tenants—no longer *vassals* liable to be dispossessed at any moment at the mere caprice of the lord, but *freeholders* of the soil, possessing power to sell or bequeath it as they pleased, subject only to certain rules of law.

The changes which in a few lines I have thus narrated to you took many eventful years to accomplish. Our sturdy forefathers grappled manfully with the iron yoke to which they had unwittingly subjected themselves, and slowly, but surely, regained the freedom which had been enjoyed under their older rulers. Their kings frequently required, for furthering their ambition or ministering to their pleasure, larger sums and greater services than the feudal system could provide; and, as it was a fixed principle in this country, in its earliest days and under its most despotic rulers, that no man should be taxed without his own consent or that of his representative, the Great Council of the Nation—the successors of the Witan—had to be summoned to grant what was required. Seldom did it do so without obtaining in return the abolition of some abuse or the restoration of some privilege as the price of its concessions.

For a considerable time this council had consisted only of the King's *barons*, or those who held estates immediately of the Crown; but its constitution was regulated by Magna Charta which ordained that all archbishops, bishops, abbots,

earls, and greater barons should be summoned to Parliament severally by the King's letters. Thus what we now call the House of Lords was established, which is the direct representative of the old Witan.

In times of peace the great barons resided in castles scattered throughout the country, in which they held almost regal state and exercised almost royal powers. The lower orders flocked beneath their battlements for protection against robbers and the followers of other lords hostile to their own; for these barons were often at open war with each other. Thus, in many places, as population increased, towns were formed. There are few old cities and towns in England in the midst of which you will not see the ruins of some castle or fortress frowning from an eminence, or guarding the banks of a river; and round its crumbling walls are sure to be found the oldest houses in the place. As arts, commerce, and trade began to take root and flourish, the inhabitants of some of these settlements became so enriched as to be able to purchase great privileges of their immediate lords, and of the King, which rendered them independent communities. Soon, therefore, owing to the old principle which I have mentioned, it became necessary to summon some of their members to the Great Council, not as barons, but as *citizens* and *burgesses*. For similar reasons the freeholders, whose progress from a state of servitude I have already sketched, had to be represented by *knights of the shire*, elected from among themselves, to enable the King to collect revenue from their rich brethren. The exact date at which our Constitution took this shape is the subject of much doubt; but it is certain that in the reign of Henry III., in the year 1265, after the battle of Lewes, Simon de Montfort, the Great Earl of Leicester, then the ablest and most patriotic baron in the kingdom, with the King completely in his power, issued writs directing the election of two knights for every county, two citizens for every city, and two burgesses for every borough, to serve in the Grand Council of the kingdom. Thus began the assembly which has since become the House of Commons.

In the reign of Edward I. was passed the famous statute that no tax should be levied until the Lords and Commons had given their joint consent. In the reign of Edward III. the laws were declared to be made with the consent of the

"commonalty," which by a Royal Charter is thus acknowledged as an "estate of the realm;" and subsequently, by a statute passed in the twenty-fifth year of the reign of the same monarch, it was declared "that no tallage or aid shall be taken without the goodwill and consent of the archbishops, earls, barons, knights, burgesses, and *other freemen of the land*." I have quoted this to show from what classes the consent was to be obtained; the principle which it confirms is, as I have said, of much older date. Thus was the power of the Commons acknowledged as a governing body in the State.

It was some time before the Lords and the Commons were placed apart in separate chambers, and made distinct councils, each guided by rules, and performing duties, of its own, as we now find them. At first they sat together in one assembly; and although the laws that they made applied to the kingdom at large, each body taxed itself, and had no voice in fixing what should be paid by the other. The taxation of the country is now entirely managed by the House of Commons.

For many years Parliament was called together only when money was wanted, and dissolved as soon as the requisite supplies were granted. Sometimes it refused to fill the King's purse until some harsh usage was repealed, some old custom restored, or the royal assent given to some new law; but many generations passed away before it began to make and alter the laws as part of its regular duties.

I have followed the progress of Parliamentary Government so far, to account to you for the shape in which we now find it, not to supply a history of its rise. I will now give you a brief summary of the rights and privileges which, during the periods that I have passed over, our forefathers won for us, and which we now enjoy. They were won by patient but persistent opposition to royal despotism, and by the tenacity with which the people clung to the Common Law of the land, and the principles of government which prevailed previous to the Norman Conquest. Thus, *Magna Charta*, which is sometimes spoken of as an act which *created* rights and liberties, for the most part merely recognized and enforced liberties and rights which had previously existed. Before it was wrung by the barons from King John the

popular cry was "the laws of good King Edward," which merely meant the restitution of the ancient freedom that had existed in the days of the Confessor.

In the days in which we live every subject of the United Kingdom is born free. He cannot be sold as a slave; neither can he be put to death, banished, removed, or imprisoned, except by the judgment of a court of justice. He has a right to live in his country wherever he pleases, and to leave it when he chooses. His property cannot be interfered with except by operation of law. He may appeal to the law, and its remedies cannot be denied to him. By the Common Law of England, and by the Habeas Corpus Acts, especially the famous statute passed in the reign of Charles II., and called "The Habeas Corpus Act," any person who is imprisoned or kept under improper control may obtain a writ which entitles him to be taken into open court, there to learn the reason of his imprisonment or detention; and if he can show that he is improperly deprived of his liberty, he is entitled to be discharged from custody. Under the equally famous "Bill of Rights" (passed shortly after the accession of William and Mary to the throne vacated by James II.), the authority of Parliament and the freedom of the subject were fully confirmed.

By this famous Bill it was declared that the Monarch had no right to suspend laws or dispense with laws, or delay their execution, that special courts of law cannot be established by the Monarch alone, that no money can be levied without the grant of Parliament, that the subject has a right to petition the Monarch, that there can be no standing army without the consent of Parliament, that the election of members of Parliament ought to be free, that freedom of speech and debates and proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament, that excessive bail ought not to be required, that excessive fines and cruel and unusual punishments ought not to be inflicted, that juries ought to be duly impanelled and returned, and that for the redress of all grievances and for the amendment, strengthening, and preserving of the laws, Parliaments ought to be held frequently.

No mention of the freedom of the press is made in this celebrated declaration, but a word on it finds here its fittest

place. According to Canning—"He who, speculating on the British Constitution, should omit from his enumeration the mighty power of public opinion embodied in a free press, which pervades and checks, and perhaps in the last resort nearly governs the whole, would give but an imperfect view of the government of England."

LETTER II.

THE SOVEREIGN.

The Three Estates of the Realm—Duties of Government—The Royal Office—Succession to the Throne—The Royal Prerogative—The Ministry—Style and Titles of the Queen—The Revenue—The Civil List—The Royal Family—Royal Marriage Act.

HAVING now laid the foundation of my subject, I shall proceed to show you how this country is governed at the present day.

The United Kingdom of Great Britain and Ireland is governed by its King or Queen and two Houses of Parliament. These are commonly known as the "*Three Estates of the Realm;*" but this phrase properly applies to the three classes of which Parliament is composed—viz., the Lords Spiritual, the Lords Temporal, and the Commons. The correct designation is the Sovereign and the Three Estates. The Sovereign is not an estate, there being no class or order of Sovereigns; and we have not really three estates of Parliament, but only two, and the term "three estates," which was introduced under the erroneous idea that our Constitution is similar to that of other European nations, is gradually becoming obsolete.

The duties of government are to make, and put in force, the laws of the country for its own people as subjects, and to represent them as a nation in their dealings with foreign powers. The first of these duties—*the making* of the law—is performed by the Sovereign and Parliament conjointly; the remainder belonging to the Sovereign alone, acting under advice which cannot be disregarded.

The Sovereign rules by right of an Act of Parliament—known as the Act of Settlement—passed in the reign of William III., the last of our elective kings. There is no

difference between the power exercised by a king and a queen in this country. Their office is now hereditary, passing upon the death of the Sovereign to the next heir—males, in the same degree of relationship, being preferred to females: thus the youngest son of the present Sovereign would inherit the throne to the exclusion of her eldest daughter, but any daughter would stand in the order of succession before an uncle, a nephew, or a male cousin.

By the Act of Settlement—12 and 13 William III., c. 3—the sovereign power was settled on the heirs of the Princess Sophia of Brunswick (the grand-daughter of James I.), being Protestants. Upon the death of Queen Anne, the son of this princess, King George I., became King. He was succeeded by his son, George II. From him the crown descended to his grandson, George III., and from him to his son, George IV.; who, dying without issue surviving, was succeeded by his brother, William IV.; upon whose death, having left no children, the daughter of his next younger brother ascended the throne.

The style and titles of Her Majesty at the commencement of her reign were "Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith." In the year 1859 the government of our great dependency in India was transferred to the Crown; and with the object of recognizing this important act, and in order to consolidate her vast empire, the Queen was enabled to make certain additions to the style and titles appertaining to the Imperial Crown, and on the 1st of January 1877, at a great assembly of the princes and high dignitaries of India at Delhi, the Queen was proclaimed "Empress of India," and this title was accordingly added to her dignity.

By the Act of Settlement the crown of these kingdoms can only be worn by a Protestant. Should the King or Queen marry a Roman Catholic, it is forfeited from that moment. Nor can any member of the Royal Family, who is married to a Roman Catholic, ascend the throne.

The Crown has many rights, which are called its *Prerogatives*. The person of the Sovereign is sacred; she is above the law; no Act of Parliament can bind her, unless it contain express words to that effect. It is also a maxim of the law that she can do no wrong; she is not responsible for the com-

mission of any act, and no omission on her part can be taken advantage of; she possesses the power of pardon and of mercy towards criminals; she is the fountain of justice and of honour; from her all titles of nobility and honourable distinctions spring; all military and civil rewards and decorations, such as orders of knighthood, crosses, stars, and medals for meritorious services, are in her gift, and no subject may wear or assume one granted by a foreign prince without her licence. All commissions to officers in the army and navy are granted, although they are not now signed, by her; she has the power of proroguing Parliament—that is, putting an end to its sittings for a time, and of dissolving it and convoking a new one in its place; she is the supreme head of the State, the Church, the Army, and the Navy; she has the power of sending and receiving ambassadors, of declaring war and making peace, of arranging treaties, and coining money for the use of her subjects; she may refuse her assent to laws passed by the two Houses of Parliament, but has no direct voice in discussing them, speaking only through her Ministers, but such power of refusal is not now exercised after the proposals of the Ministers have been confirmed by a General Election.

Under the British Constitution the Sovereign must govern through her Ministers, who are responsible to Parliament and the country for her political acts, which are always presumed to be done by their advice. No Ministry is able to carry on the business of the country for more than a very short time, unless it can obtain the assent of Parliament to its proceedings. Of late years the great political questions, upon which the formation and existence of Ministries have depended, have been discussed and settled in the House of Commons. This House being elected by the people, you will perceive that the Ministry, although *nominally* appointed by the Crown, is *virtually* chosen by the country. Should the Ministry or Parliament attempt to interfere improperly with the royal prerogative, the Sovereign can dismiss the one, and dissolve the other, and thus appeal to the people, whence the authority of the Sovereign is primarily derived. Should a faction in Parliament oppose the Ministry in doing what they and the Sovereign consider to be for the welfare and honour of the country, the opinion of all classes can be taken by summoning

a new Parliament. Should the Crown and the Ministry set themselves against Parliament and the people, the Commons, by refusing to grant supplies for the public service, could secure the dismissal of the obnoxious advisers. The taxes which were granted by Parliament used to be handed over to the King, to be expended by him in maintaining his State, and keeping up the military and naval services. He had also estates in various parts of the country called the Crown Lands, the rents and profits of which were paid into his treasury. The revenue, or annual income, from these estates is now collected into one fund, called the Consolidated Fund.

The revenues of the Duchy of Lancaster belong to the Queen, not as Sovereign of England, but as Duchess of Lancaster. This is owing to the arrangement made by the Duke of Lancaster when he became King Henry IV., by which he carefully distinguished between his sources of income, so as to leave a pension for his family in case of his losing the throne. The Sovereign can, and does, hold private property like any other member of the nation. The theory that the land, instead of being held in trust for the service of the State, was the private property of the Sovereign, was due to the Feudal System. Previous to the Norman Conquest the Witan was consulted by the King in his dealings with the land. "As long," says Professor Freeman, "as the folkland remained the land of the people, as long as our monarchy retained its ancient elective character, the King, like any other man, could inherit, purchase, bequeath, or otherwise dispose of the lands which were his own private property as much as the lands of other men were theirs. As long as there was no certainty that the children or other heirs of the reigning king would ever succeed to his crown, it would have been the height of injustice to deprive them in this way of their natural inheritance. The election of a king would have carried with it the confiscation of his private estate. But when the Crown was held to be hereditary, when the folkland was held to be *Terra Regis*, this hardship was no longer felt. The eldest son was provided for by his right of succession to the Crown, and the power of disposing of the Crown lands at pleasure gave the King the means of providing for his younger children." That power the

Sovereign no longer possesses, and hence the return to the practice of the Pre-Norman kings.

The first charge upon the Consolidated Fund is the payment of interest upon the National Debt, called the *Funds*, and upon the *Unfunded Debt*. The origin and progress of the National Debt is so important and interesting a subject, that I shall treat of it in a future Letter.

The next charge upon the Consolidated Fund brings me back to the subject which I have quitted for a moment. It is an allowance called the *Civil List*, apportioned to the Queen for the support of her household and the dignity of her crown. This was fixed by the statute in the first year of the reign of her Majesty at £385,000, to be paid annually, and appropriated as follows: Her Majesty's privy purse, £60,000; salaries of her Majesty's household and retired allowances, £131,260; expenses of her Majesty's household, £172,500; royal bounty, alms, and special services, £13,200; and unappropriated moneys, £8040. On the Consolidated Fund are likewise charged the following sums, allowed to members of the royal family, namely—£25,000 a year to the Duke of Edinburgh; £25,000 to the Duke of Connaught; £8000 to the Empress Frederick of Germany (the Princess Royal of England); £6000 each to Princess (Helena) Christian of Schleswig-Holstein; Princess Louise, Marchioness of Lorne; Princess Henry (Beatrice) of Battenberg; Princess Helena of Waldeck, Duchess of Albany; and the Duchess of Cambridge; £3000 to the Duchess of Cambridge's daughter, the Grand Duchess of Mecklenburg-Strelitz; £5000 to the Princess Mary, Duchess of Teck (formerly Princess Mary of Cambridge); and £12,000 to the Duke of Cambridge. The Prince of Wales has an annuity of £40,000, payable out of the Consolidated Fund, settled upon him. He has also the revenues of the Duchy of Cornwall, which yield a net income of upwards of £100,000 a year. The Princess of Wales has settled upon her by Parliament the annual sum of £10,000, to be increased to £30,000 in case of widowhood. The sum for carrying on the civil government, including the salaries of the Ministers of State, judges, and others, is also charged upon the Consolidated Fund, the remainder of which is paid into the Exchequer, for the public service, to defray the expenses of our Army, Navy, Civil Service, &c., &c.

The income now granted by Parliament to the Queen and charged on the Consolidated Fund is considerably less than has been enjoyed by sovereigns of this country since the time of the Stuarts. Soon after the restoration the income of the Crown derived from the excise and customs duties, the revenues of the post-office, of Crown lands, and from other sources, amounted to £1,200,000. Out of this sum, it is true, the King was bound to provide for the defence of the realm in time of peace, as well as for the expenses of government. But large additional grants were made from time to time by Parliament to meet extraordinary expenses.

After the Revolution of 1688 Parliament, in consideration of the services rendered to the country by William III., granted an annual sum of £700,000 for the support of the *Civil List*. The expenditure, however, considerably exceeded this amount, and George IV. enjoyed an income of £900,000 granted by Parliament, in addition to his income derived from other sources, over which Parliament had no control.

It was not until the time of William IV. that Parliament obtained control over what are termed the hereditary revenues of the Crown, all of which, together with other sources of income, are now surrendered to the control of Parliament. And, as I have already pointed out, the income of her Majesty Queen Victoria is now fixed at £385,000, and independent annuities are granted by Parliament to children of the Royal House.

All the great officers of State, the bishops, the judges, the officers in the army and navy, are appointed by the Queen, or in her name; but as the Ministry is responsible for the fitness of the persons appointed, and for their conduct whilst in the public service, the selection is placed in their hands, and the Sovereign approves, almost as a matter of course, the person recommended.

Before I conclude, it would be as well were I to tell you something about the Royal Family.

The royal consort—that is, the wife or husband of a king or queen—has, as such, no share in the government of the country. Consorts are only subjects of the Crown, and may be appointed to fill any post in the State that a subject can hold. A queen consort can sue and be sued in all courts of justice as though she were an unmarried woman; and for this pur-

pose she has her own Attorney- and Solicitor-General to conduct her law business. She has power to purchase lands and to convey — that is, dispose of — them. She has a separate household and officers of state. Her person, like the king's, is sacred.

A queen dowager is the widow of a king.

The Prince of Wales is the eldest son of the Sovereign, and heir-apparent to the Crown. He is created Prince of Wales and Earl of Chester and Dublin, and is born Duke of Cornwall. His person and that of his wife are specially protected by the law. Should the eldest son die, his next brother may be created Prince of Wales and Earl of Chester, but does not become Duke of Cornwall. The Prince of Wales is the only prince known to the law of England. All other British princes are so styled by courtesy.

The Princess Royal is the eldest daughter of the Sovereign. Her person is also specially protected, as, should no son be born or live to succeed to the Crown, she would become queen. The other daughters of the Sovereign are princesses by courtesy.

Younger sons of the Sovereign have no special rights conferred by law. They rank before all dukes, and are, like the other members of the Royal Family, forbidden by the statute 12 Geo. III. c. 11, called the *Royal Marriage Act*, to marry without the consent of the Sovereign signified under the great seal; but it is provided that such of the descendants of George II. "as are above the age of twenty-five may, after a twelvemonth's notice given to the King's Privy Council, contract and solemnize marriage without the consent of the Crown, unless both Houses of Parliament shall, before the expiration of the said year, expressly declare their disapprobation of such intended marriage."

From this general sketch of the prerogatives of the Crown, and the position of the Royal Family, you will understand what is meant by saying that England is under a "limited monarchy." The Sovereigns of other countries often assert a "divine right" to govern; a Sovereign of the House of Hanover can put forth no such pretensions, because he holds his crown under, and by virtue of, the Act of Settlement, and strictly subject to the conditions which it imposes. But although the direct power of the monarch be small, his indirect influence is considerable. His personal predilections

are not without weight in determining which of the leading statesmen of the predominant political party shall fill the post of First Minister; and, as the head of English society, he can materially influence the tone of manners and morals, and either promote or retard the progress of special improvement.

LETTER III.

THE HOUSE OF LORDS.

The United Parliament—Composition of the House of Lords—Spiritual Peers—Temporal Peers—Rank of Spiritual Peers—Titles and Rank of Temporal Peers—Creation of Peerages—Voting by the Peers—Privileges of the Peers—The Supreme Court of Appeal.

THE House of Lords or Peers, or, as it is also called, the Upper House of Parliament, ranks next in dignity to the Crown. Its origin I have already traced in my First Letter.

Ireland and Scotland, before their respective union with England, had each a Parliament, and consequently a House of Lords of its own. Now, however, there is but one House for the United Kingdom.

There are six different ways in which its members obtain their seats. There are those who hold their seats by right of descent. There are those whose descendants will claim the right to sit, but who have been called to the House by the Sovereign on the recommendation of the Ministers. There are those who have similarly been called to the House by the Sovereign, but whose descendants will have no right to sit, such being the Life Peers, of which there are at present but three. There are others who have been elected for life, such being the Irish Representative Peers. There are others who have been elected merely for the existing Parliament, such being the Scotch Representative Peers. There are others who hold their seats for life by virtue of their office, such being the Archbishops and certain of the Bishops, who are practically appointed by the Prime Minister, as we shall see further on.

There are three Peerage Rolls, those of England, Scotland,

and Ireland, but it is only an English peerage that gives a right to sit in the House of Lords. The Irish peers have to choose among themselves twenty-eight members as their representatives, and these hold their office for life, or until resignation. The Scotch peers have in like manner to elect sixteen representatives, but these are chosen only for each Parliament, and each general election for the House of Commons necessitates an election of Scotch peers for the House of Lords.

There is no limit to the number of English peers; but, on the other hand, no increase is ever made to the Scottish peerage, which is left to die out. The arrangements with regard to the Irish peerage are not so simple. For every three Irish titles that become extinct one new one can be created, and this practice is to continue until the number of Irish peers has sunk to a hundred, when creations can only take place to fill vacancies. But these creations confer no right to sit in the House of Lords: they only confer the right to vote for Representative Peers. As a matter of fact, however, all peers of high rank have more than one title, and many of the Scottish and Irish peers have English titles, and sit in the House of Lords by virtue of those titles. Thus the Duke of Argyll claims his seat as Baron Sundridge, and the Marquis of Londonderry sits as Earl Vane. And there are only twenty Scotch and sixty-five Irish peers who are not peers of Parliament.

In an English peerage the title confers a right to all its bearers to sit in the House of Lords. This was not the early practice, and when it became general is not known. After the battle of Evesham every baron was expressly forbidden to appear in Parliament without special writ; but the hereditary right has been long admitted.

New peerages are created by Royal Patent, the peer being summoned by the writ issued in pursuance thereof; and the rights are acquired whether the man summoned takes his seat in the House or not. Peers newly created or summoned have to be formally introduced to the House, but hereditary peers may take their seat without such preliminary.

Nothwithstanding the hereditary privilege, it is remarkable that more than four-fifths of the members of the House of Lords have obtained their titles during the present century,

on the recommendation of the Ministers for the time being. As a rule a creation of peerages takes place at every change of Ministry, the persons being selected for the honour by the outgoing administration.

Although so many of the seats in the House of Lords now go by descent, no political privileges attach to the children of their holders. Even the eldest son of a peer is a commoner as long as his father lives, and any title he may use is unknown to the law, and is admitted only by courtesy and custom. In this respect our peerage differs from the foreign peerages, where title and privileges are sometimes shared by all the descendants to the extremest degree of descent. The distinct class of "nobility" that exists on the Continent is thus unknown amongst us.

It is a curiosity of our constitution that the younger sons of the Sovereign, like all the sons of peers, are commoners, except by courtesy, until they are ennobled. When they come of age a dukedom is always given them to ennoble them, and the "Princes of the Blood," thus become "Royal Dukes," take precedence of the rest of the peers.

The Archbishop of Canterbury takes rank next after the youngest royal duke; the Lord Chancellor coming next. After the Lord Chancellor follow the Archbishop of York and the Lord President of the Council; then follow the dukes in order of the date of their title, the marquises, the earls, the viscounts, and the bishops ranking as barons at the head of that order, those of London, Durham, and Winchester taking precedence of all other bishops. There is no limit to the number of bishops that may be appointed, but only two archbishops and twenty-four bishops can at any time sit in the House of Lords. The twenty-six bishops are the Lords Spiritual, the other members of the House are the Lords Temporal.

The title of Duke is not a very old one in England. The first duke was the Black Prince, who was created Duke of Cornwall by his father, Edward III., in the eleventh year of his reign. The word is derived from *dux*, the Latin for a leader. The eldest son of a duke, though in law only an esquire, takes by courtesy his father's second title; his sisters and younger brothers take, by courtesy, the title of Lady or Lord before their Christian and family names; and all the sons and daughters of a duke are, by courtesy, Right Honour-

able. But to these titles and distinctions they have no right beyond the usage of society.

The title of Marquis, or Marquess, as it is occasionally spelt, is more modern amongst us than that of duke. In 1386 Richard II. created Robert de Vere Marquis of Dublin, and that is the first time in our history that the title was conferred. It was intended for those who held the command of the Marches, as the boundaries between England and Wales and England and Scotland were called when those countries were hostile to us. A strange fate followed the early marquises; it is a curious fact that, in the long period of five centuries since the date of Robert de Vere, there are only twelve instances in which the title has existed as the chief honour of its possessor for longer than five years. The children of a marquis take, by courtesy, the same titles as those of a duke. The eldest son assumes his father's second title; the younger sons are Lords and the daughters are Ladies, in each case the surname being never given without the Christian name. The children of a marquis are also all Right Honourable.

Earl is the most ancient title of our peerage, and was in use long before England became a kingdom. Formerly the earl had the government of a shire. After the Norman Conquest earls were called Counts, and from them their shires have taken the names of Counties. The eldest son of an earl is a Right Honourable, and bears by courtesy his father's second title; his brothers are all styled Honourable, but his sisters are Right Honourable, and are addressed as Ladies as if they were the daughters of a marquis or a duke.

The Viscount was the deputy of the earl. Henry VI. found the title existing in his French dominions, and introduced it into England in 1440, but the early viscounts had as troubled a fate as the early marquises, and the senior viscounty, Hereford, dates only from 1550. The eldest son of a viscount claims no distinctive courtesy title. He and his brothers and sisters are all styled Honourable.

The Baron is the representative of the pre-Norman Thane. The old barons were those who held estates immediately of the King. From them all the other ranks of the peerage were raised, and when history speaks of them it includes whatever higher grades of the peerage may at the time have been in existence. A baron is summoned to Parliament in a

different style to his superiors in rank. With them the form is—William, Duke of Devonshire; with him it is—George Fitzroy Henry Somerset, of Raglan, in the county of Monmouth, Chevalier, the chevalier being the Norman for knight. The children of a baron are, by courtesy, addressed as if they were the children of a viscount, and are all styled Honourable.

The House of Lords is usually presided over by the Lord Chancellor; but he does not decide, as does the Speaker of the House of Commons, upon the regularity of its proceedings. The House at large does this; and members whilst delivering their speeches address the assembly, and not the Lord Chancellor, or other lord upon the "Woolsack," which is the name given to the large red seat occupied by the president of the House.

Up to within a short time ago peers could vote either in person—using the words *content* or *non-content*, to signify their approval or rejection of the question before them—or by *proxy*—a signed paper to the same effect used on their behalf, in their absence, by some other peer. But this privilege—which was not without its use in former days, when many of their lordships were engaged in distant parts of the country holding the King's castles, or performing other public services, and when travelling was difficult and dangerous—is now in suspense.

Peers may enter a *protest* in the *Journals* of the House against any proceeding resolved upon by it against their will. They have the right of audience with the Sovereign at all times. All laws relating to the rights of their order must be originated in the House of Lords; and the House may originate any others, except *Money Bills—i.e.*, Bills affecting the taxation of the country and Bills affecting the constitution of the House of Commons; and all disputed claims to titles of nobility are referred by the Crown to it for decision. Peers cannot be arrested for debt, but a peer who has become bankrupt cannot sit or vote in the House until he has satisfied his creditors or annulled his bankruptcy. The House of Lords is the proper tribunal for trying persons impeached by the House of Commons: it also has the right of trying its own members when accused of treason or felony. To assist it in these duties the judges and law officers of the Crown are its legal advisers.

Finally, as the supreme court of justice in the kingdom, it is the last tribunal of appeal from the judgments of the several divisions of the Supreme Court of Judicature and the Court of Bankruptcy; but, practically speaking, this jurisdiction is not exercised by the House as a body, but by such of its members as hold or have held high judicial offices.

It should not be forgotten that the House of Peers is made up of two distinct classes or "estates." These are the Lords Spiritual and the Lords Temporal; the Lords Spiritual being the archbishops and bishops, the Lords Temporal being the dukes, marquises, earls, viscounts, and barons. The presence of the Lords Spiritual is an important link in the chain of the development of the House from the old Witan.

LETTER IV.

THE HOUSE OF COMMONS.

The Number of Members—Qualifications of the Electors—In Boroughs; in Counties; in Universities—Disqualifications of Electors and Members—A General Election—The issuing of the Writ—The Nomination—The Lists of Voters—The Returning Officer—The Polling—The Return—Offences at Elections—The Chiltern Hundreds—Rights and Duties of Members.

THE House of Commons, or Lower House, consists of persons chosen by the people to represent them in Parliament.

I have already told you its origin, and why its members were assembled. A history of the progress of the House of Commons would be a history of England, and that we have no room for here.

The last Reform Bill was passed in 1885, and with the state of affairs introduced by that Bill we need alone concern ourselves. The present House consists of 670 members—465 for England, 30 for Wales, 72 for Scotland, and 103 for Ireland. There is no part of the country unrepresented, but the qualification of the electors is different in the thickly populated towns to what it is in the rural districts.

There are borough constituencies in which the voter is qualified to vote by "Occupation" franchise or "Lodger" franchise; county constituencies, with "Property" franchise and "Occupation" franchise; and University constituencies. In boroughs every man over the age of twenty-one, who has for a year paid rates as the occupier of a house, or for a year has lived in lodgings for which he has paid a rent of £10 or upwards, or held half shares with another man in lodgings of the rent of more than £20, is entitled to a vote. In counties every man of full age who is in receipt of the rent and profits of any lands or tenements of freehold or copyhold or any

other tenure of the yearly value of £5 and over, or is the occupier of lands or tenements of the rateable value of £12 and over, is entitled to vote. In Scotland a £14 occupation tenure gives a county vote; and in Ireland the household qualification in towns is £4. In the Universities the degree of Master of Arts without any property qualification confers a vote. In the City of London, besides the ordinary qualification, votes can be acquired by becoming free of the City, or being entitled to wear the livery of one of the companies or guilds, though here as elsewhere no person is entitled to vote in respect of more than one qualification. No elector is allowed to vote who, during the election or within six months previous to it, is employed for reward on the business of the election by any of the candidates.

No peer of the realm is entitled to vote, nor is any woman, nor any foreigner who has not been naturalized. No man can vote who is subject to any legal incapacity, such as an idiot, lunatic, or outlaw in a criminal suit, or one who has been convicted of perjury, felony, bribery, treating or undue influence at any election; any person convicted of personal bribery at an election being disqualified as a voter for seven years from the date of his conviction. And no one can vote who has been in receipt of parochial relief during a twelvemonth previous to the list of voters being prepared.

On the other hand, no English or Scottish peer can be a member of the House of Commons, nor can any woman or unnaturalized foreigner. Judges, even of County Courts, officers of any court having jurisdiction in bankruptcy, police magistrates and recorders and revising barristers within their respective jurisdictions; sheriffs of counties, and the returning officers of boroughs within their respective jurisdictions; pensioners of the Crown, persons holding places of profit under the Crown created since 1705; government contractors, with certain exceptions; clergymen of the Established Church of England, the Scottish Church, and the Church of Rome; lunatics, idiots, outlaws in criminal suits, and persons convicted of treason or felony, are all disqualified. Candidates reported by the judges to be guilty of bribery or personation at an election are also disqualified for the existing Parliament; but such as have been guilty of personal bribery are disqualified for seven years.

Seven years is the limit fixed by law for the duration

of any Parliament; at the end of that period it becomes dissolved as a matter of course. It also may, as has already been said, be put an end to at any moment by the exercise of the royal authority; but the Sovereign's death in no way affects the Parliament's duration.

When a new Parliament has to be called together, a royal warrant is directed to the Lord Chancellor, ordering him to cause the writs authorizing the elections to be made out and issued. In every place entitled to be represented in Parliament is a person called "the Returning Officer," whose duty is to manage the election. In counties the sheriff, and in cities and boroughs the mayor, bailiff, or some other person duly appointed, is the returning officer. The writs are despatched to these returning officers, commanding them to elect their members, which they must do in boroughs within four days after the receipt of the writ; while in counties or district boroughs, nine days are allowed.

A great reform was effected in the year 1872 in the mode of conducting parliamentary elections. In consequence of the rioting which sometimes disgraced the public nomination of candidates, the disturbance of ordinary business which nearly always prevailed, and the expense of erecting *hustings*, it was determined that this proceeding should be taken in a more private manner, and that the voting should be by ballot, in the hope that by enabling an elector to record his vote in secret it would be useless to bribe and impossible to intimidate him. Candidates are nominated in writing, subscribed by two registered electors as proposer and seconder, and by eight other registered electors as assenting to the nomination. The nomination paper thus signed is delivered to the returning officer during the time appointed for the election by the candidate himself, or by his proposer or seconder.

If at the expiration of one hour after the time appointed for the election no more candidates are nominated than there are vacancies to be filled, the returning officer forthwith declares the candidates who are nominated to be elected. No one except the candidate, his proposer and seconder, and one other person selected by him, is entitled to attend the proceedings.

If the election is contested, the returning officer must, after adjourning the election, give notice of the day fixed for the poll. The poll is opened by the returning officer, who must

first make a declaration of secrecy in the manner prescribed in the Act.

No man can vote whose name is not on the list made out by the overseers of each parish in July every year, and exhibited at the municipal offices and other public places. Claims to be put on this list have to be made on forms provided by the overseers for the purpose, and are sent in to the overseers in the first twenty-five days of August. This list is "revised" once a year by a barrister appointed for the purpose, when the names of persons who have become entitled to vote are entered, and the names of those who have died or become disqualified are struck out.

Except for the University seats the polling is all done in one day. On entering the polling place, which is open in the Metropolitan boroughs from 8 A.M. to 8 P.M., but closes earlier elsewhere, the voter is identified and a reference made to discover that his parish rates are not in arrear, for if the rates be unpaid he loses his vote. He is then supplied with a ballot paper on which the names of the candidates are printed in alphabetical order, and the voter's name is ticked off in the list so that he cannot obtain possession of two ballot papers. The voter takes the paper to a private desk, where a printed notice shows him what to do with it, and he makes a cross against the name of the candidate or candidates for whom he votes. In constituencies returning but one member the elector has but one vote; where there are two members he has two votes; but he cannot vote for more than two votes except in the City of London, where there are four members, and the electors have three votes so as to give a chance to the candidate of the minority. The voter marks his paper in secret, folds it up so as to hide his vote, and places it in a closed box in the presence of the presiding officer.

After the close of the poll the ballot boxes are sealed up and delivered into the charge of the returning officer, who opens the boxes, and, after ascertaining the result of the poll by counting the votes, declares to be elected the candidate or candidates for whom the majority of votes have been given. In case of an equality of votes, the returning officer, if a registered elector, has a casting vote.

The forging, defacing, counterfeiting, &c., of ballot papers, or wrongfully interfering with ballot papers or ballot boxes,

is punishable by imprisonment, with or without hard labour, for any term not exceeding six months. If the offender is the returning officer, or an officer or clerk in attendance at the polling station, he is liable to imprisonment for any term not exceeding two years with or without hard labour. And all officers, clerks, or agents in attendance at a polling station are bound to maintain secrecy under a penalty of imprisonment for a term not exceeding six months, with or without hard labour.

The member of Parliament when elected may be deprived of his seat if it can be proved that he, or his agents with his knowledge, have been guilty of bribery, corruption, of undue influence in obtaining votes; or if it be found that persons had voted for him who had no right to do so, and that, when their votes were deducted, his opponent had a majority of duly qualified electors. In former times, the House of Commons, *as a body*, decided as to the validity of elections. Later on this duty was confided to a Select Committee; and now it is performed by the Judges of the Supreme Court of Judicature.

Should a vacancy occur during the sitting of Parliament, the Speaker, by order of the House, issues his warrant to the Clerk of the Crown, and the writ is sent down, as I have narrated. If it happens during the recess, and if the Speaker is informed of it in writing, signed by two members of Parliament, the writ is issued without an order of the House.

A member properly returned may be expelled the House for misconduct, and his seat will become vacated if he be made bankrupt and does not satisfy his creditors within a year, or if he accepts an office of profit under the Crown. He may, however, be re-elected. If he merely *change* the office he holds—for example, if the Solicitor-General become, by promotion, Attorney-General—he need not submit himself for re-election. A member may not resign the trust confided to him; but by his acceptance of sinecure offices under the Crown preserved for the purpose, his seat will be vacated and he can thus retire from Parliament. The office usually chosen as "the way out" is the Stewardship of the Chiltern Hundreds, or of the Manors of East Hendred, Northstead, or Hempholme, or, if the retiring member is an Irish one, the Escheatorship of Munster. Formerly the Chiltern district

was one of the most lawless in the kingdom, and the Steward was appointed by the Crown to keep the roads through it clear of highwaymen, but when the lawlessness had abated the Steward's occupation was gone.

A member cannot be made liable for anything that he may say in debate. The power is granted by statute to the House of Commons to administer the oath to witnesses examined at the bar of the House, and to any committee of the House to administer the oath to witnesses examined before such committee. The Lower House has the right to originate all Bills relating to or affecting the revenue and the taxation of the kingdom, and to vote the supplies; nor can any Bills dealing with the taxation of the country be altered or amended by the House of Lords. That House can only reject them, or pass them in the form in which they come up from the Commons.

LETTER V.

THE ADVISERS OF THE CROWN.

The Cabinet—The Privy Council—The Judicial Committee—The Ministry, its Composition and Policy—Political Parties—The Opposition—Responsibility of Ministers—Pensions of Ministers.

I HAVE told you that the advisers of the Sovereign are responsible for his political acts; I must now tell you who these are.

Constitutionally speaking they are chosen by the Sovereign; as a matter of fact, the Sovereign's choice is so limited that they are chosen by the people. As the candidate obtaining the majority of votes in a constituency becomes the member of Parliament, so the members of Parliament having the majority of supporters in the House of Commons become members of the Government. The one member in the House of Lords or House of Commons capable of influencing most votes is "sent for" by the Sovereign and "entrusted with the formation of the Cabinet."

"Few things in our history," says Macaulay, "are more curious than the origin and growth of the power now possessed by the Cabinet. From an early period the Kings of England had been assisted by a Privy Council, to which the law assigned many important functions and duties. During several centuries this body deliberated on the gravest and most delicate affairs. But by degrees its character changed. It became too large for despatch and secrecy. The rank of Privy Councillor was often bestowed as an honorary distinction on persons to whom nothing was confided, and whose opinion was never asked. The Sovereign, on the most important occasions, resorted for advice to a small knot of leading Ministers. The advantages and disadvantages of this course were early pointed out by Bacon, with his usual judgment

and sagacity: but it was not till after the Restoration that the interior council began to attract general notice. During many years old-fashioned politicians continued to regard the Cabinet as an unconstitutional and dangerous board. Nevertheless, it constantly became more and more important. It at length drew to itself the chief executive power, and has now been regarded, during several generations, as an essential part of our polity. Yet, strange to say, it still continues to be altogether unknown to the law. The names of the noblemen and gentlemen who compose it are never officially announced to the public. No record is kept of its meetings and resolutions; nor has its existence ever been recognized by any Act of Parliament." It is not as a member of the Cabinet, but as a Privy Councillor, that the Minister advises the Crown.

The Privy Council is the chief council of the State. Its members are appointed and removed by the Sovereign, but removals have been very rare. New Ministers are always sworn of the Privy Council. When a vote of the House of Commons throws them out of office, they remain Privy Councillors, but their advice is not asked. Only at some great crisis in the State do the whole of the Privy Council meet.

As Privy Councillors the Ministers of the Crown are all of equal authority. "The Prime Minister" is a phrase unknown to the law; Walpole, the first of the line of modern Premiers, even resented the title, though his sensitiveness was not unconnected with the "protest" which appears in the journals of the House of Lords, that "a sole or even a First Minister is an officer unknown to the law of Britain, inconsistent with the constitution of the country, and destructive of liberty in any Government whatsoever." Nowadays, notwithstanding the absence of legal right, no one challenges the pre-eminence of the one member of Parliament whom the representatives of the people are content to follow, who is sent for by the Sovereign to form the Ministry, and whose colleagues are of his own choosing.

Privy Councillors are all styled "Right Honourable," and it is from their membership of the Council that Ministers obtain this distinction. All peers are Privy Councillors, whence all peers are "Right Honourable." The power of the Privy Council is much less than it was. Its criminal jurisdiction, which in the days of the Star Chamber was

stretched to so dangerous a length, is now no greater than that exercised by justices of the peace. Its judicial business now mainly consists of hearing appeals from the Indian and Colonial Courts of Law, and from the Admiralty and Ecclesiastical Courts, and of deciding on matters concerning the patent or copyright laws. This is transacted by a committee, called the "Judicial Committee of the Privy Council," and consisting of the Lord President of the Council, and of judges and other eminent lawyers made members for the purpose. Every archbishop or bishop in the Privy Council is also a member of the Judicial Committee, for the purpose of hearing ecclesiastical appeals, when at least one archbishop must be present. Besides the Judicial Committee there is the Education Committee, for receiving applications for aid from the grants made by Parliament for educational purposes. But nearly all that remains to the once great Permanent Council is of a ceremonial nature. Many of the acts of prerogative require to be done "in Council," and are ordered by the Sovereign at a meeting of the Privy Council specially convened. But it is significant that, whereas the Privy Council cannot be held except under the presidency of the Sovereign, the Sovereign cannot, under any circumstances, preside at a meeting of the Cabinet.

The people, then, elect the House of Commons, and the House of Commons informally act as a body of electors and choose the Prime Minister. If the Sovereign is not satisfied with the choice, Parliament is dissolved, and should, after appeal to the people, the same candidate for the Premiership be chosen, the Sovereign gives way.

The Cabinet Council, shortly termed *the Cabinet*, forms only part of the Ministry or *Administration*. The constitution and number of the Cabinet depend upon the chief of the Ministry, and who appoints his colleagues or "forms the Ministry," usually selecting those of his supporters who have rendered conspicuous political services to his party, or whose administrative capabilities, rank, talent, or powers of oratory are likely to aid him in the task of carrying on our intricate system of party government.

The two great "parties" in politics used to be the Whigs and Tories, and between their principles a fairly marked distinction was discoverable; but in these times, as far as principles are concerned, Whig and Tory have ceased to exist,

and the names only linger as terms of praise or reproach. The idea of the initiators of representative government was that the constituents should choose as their representative the best man amongst them, whose judgment they could trust, who would make it his business to gain true knowledge of the matters brought before the House of Commons, and do his utmost to help govern the country wisely and well. Unfortunately, a considerable portion of the electorate has been led to suppose that the object of representative government is to get into Parliament the man who will never lose an opportunity of advertising himself and them by embarrassing the Ministry and hindering legislation as much as possible.

A Ministry accepts office pledged to carry out some particular plan or policy of government. The party in Parliament that is opposed to this is called the *Opposition*. The Ministerial members—those who generally support the Ministry—sit on the right hand side of the Speaker's chair in the House of Commons, and those of the Opposition on the left. In the House of Lords—substituting the throne for the Speaker's chair—the same rule is generally observed, except upon high state occasions, when the Lords take their seats upon separate benches, according to the rank that they hold in the peerage, irrespective of their political opinions. When the Ministry is defeated—that is, placed in a minority upon some question intimately connected with the policy under which they took office; or if a vote of want of confidence is passed against them, they should resign, and, constitutionally speaking, the Opposition ought to be able to take their place.

The custom of a Government going out of office on a vote of want of confidence began with Lord North in 1782. "The essence of responsible government," said Lord Derby, "is that mutual bond of responsibility one for another wherein a Government acting by party go together, frame their measures in concert, and where, if one member falls to the ground, the others, almost as a matter of course, fall with him." But the indiscretion of any one Minister does not necessarily entail the resignation of the Government, if it appears that the matter complained of concerned his department only, and did not affect the general policy of his colleages. A Minister offending on his own responsibility is usually recommended to resign by his chief; occasionally,

however, he has waited until a vote of censure has been passed upon him in the House of Commons; should he refuse to resign after this he can be "impeached" by the Commons at the bar of the House of Lords.

When Ministers have served for a period of three years they are each entitled to a pension of £2000 for life on retirement, in computing which period it is usual to reckon the aggregate tenure of office, if it should happen that any of them have served more than once. The pension is not granted as a matter of course, but on application, and only when the circumstances of the applicant render it necessary.

The Cabinet usually consists of at least nine, and at the present time of seventeen, of the following great Officers of State:—

The First Lord of the Treasury. This office is generally held by the Prime Minister, but not always.

The Lord High Chancellor. He is the law adviser of the Ministry.

The Lord President of the Council. The Privy Council is meant, and the office is of more dignity than importance.

The Lord Privy Seal. This is another office in which the administrative duties are not excessive, and it is generally held by a politician of eminence whose wisdom in council is more conspicuous than his powers of persistent work.

The Chancellor of the Exchequer. He arranges and accounts to Parliament for the public revenue and expenditure. As a rule the Chancellor of the Exchequer is the chief lieutenant of the Prime Minister. Sometimes the office is held by the Prime Minister.

The Secretary of State for the Home Department. He manages the internal affairs of the Kingdom.

The Secretary of State for Foreign Affairs. The Foreign Secretary is generally a peer, as the social distinction conferred by rank has been found to have its advantages in dealing with foreign diplomatists. This is the office held by the Marquis of Salisbury as Prime Minister.

The Secretary of State for the Colonies. He manages all the central government business with our numerous dependencies.

The Secretary of State for War. He is now responsible only for army matters.

The Secretary of State for India.

The First Lord of the Admiralty. He manages the navy.

The Secretary for Scotland. This is an office of recent creation, or rather a revival after a long period of suspense. Its holder does not always have a seat in the Cabinet.

The Lord Lieutenant of Ireland. The holder of this office does not always have a seat in the Cabinet. It may be interesting to note that his customary title is only an abbreviation, the correct designation is "Lord Lieutenant-General and General Governor of Ireland.

The Lord Chancellor of Ireland. This is another office whose holder seldom has a seat in the Cabinet.

The Chief Secretary for Ireland. This is the most important of the Irish offices, but the holder does not always have a seat in the Cabinet.

The President of the Board of Trade. He is in charge of the commercial interests of the country.

The Chancellor of the Duchy of Lancaster. This is another office in which the duties are not very onerous.

The President of the Local Government Board. The holder of this office is not always a Cabinet Minister.

The Postmaster-General. The holder of this office is frequently not included in the Cabinet.

The Vice-President of the Committee of Council. He is really the Minister for Education.

The holders of all these offices have been Cabinet Ministers at one time or other, but no one Cabinet has included them all. The practice has been for the Cabinet to consist of the nine chief Ministers, added to the representatives of the State departments that the policy of the Ministry chiefly affects. When Ireland occupies much of the Government's attention, the Irish Office is strongly represented in the Cabinet; when Education claimed attention, the Vice-President of the Council was a Cabinet Minister. And sometimes distinguished statesmen who hold no office at all are members of the Cabinet.

To facilitate the despatch of business in Parliament it is generally arranged that the chiefs of the departments who are Peers have their under-secretaries in the House of Commons, and *vice versâ*.

Many other political offices subordinate to those I have mentioned, and a number of places in the Sovereign's house-

hold, are filled by members of the party in power, who resign them when their friends go out of office.

The chief legal adviser of the Crown is the Lord Chancellor; its law officers are the Attorney- and Solicitor-General. The latter are selected from amongst the most distinguished Queen's Counsel. The Attorney-General is empowered to proceed by information filed in the Queen's Bench Division of the High Court, without waiting for the previous proceedings necessary in ordinary cases, where it is sought to punish some great public wrong, or such enormous misdemeanours as tend to endanger the Crown or disturb the Government, or in civil cases, where it is sought to redress a private wrong by which the property of the Crown is affected. These law officers, in addition to certain functions in connection with the claims of inventors to protection by *letters patent* of inventions, represent the Crown in the courts of law and equity. In cases of high treason both invariably appear.

LETTER VI.

PROCEEDINGS IN PARLIAMENT.

Opening of Parliament—Election and Duties of Speaker—The Speech from the Throne—The Business of Government—Public and Private Bills—Divisions—Voting by the Peers—Voting by the Commons—The Royal Assent—The Budget—Ways and Means—Supply—The Appropriation Bill—The Mutiny Act—Prorogation—Dissolution.

WHEN a new Parliament meets, the first business of the Commons is, under an order from the Crown, to choose a Speaker. This important officer is chosen by the House of Commons from amongst its own members, subject to the approval of the Sovereign, and holds his office till the dissolution of the Parliament in which he was elected.

He is the representative of the House. His duties are to preside over its deliberations, to present to the Sovereign petitions or addresses from the Commons, and to deliver in the royal presence such speeches as are usually made on behalf of the Commons; to preside in the name of the House when counsel, witnesses, or prisoners are at the bar; to reprimand persons who have incurred the displeasure of the House, and to issue warrants of committal or release for breaches of privilege; to communicate in writing with any parties, when so instructed by the House; to exercise vigilance in reference to private Bills, especially with a view to protect property in general, or the rights of individuals from undue encroachment or injury; and to control and regulate the proceedings of the House generally.

The Speaker, *as such*, must abstain from debating. In committee of the whole House, when the Chairman is in the chair, he can join in the discussions like any private member. As Speaker of the House, his duties are the same as those of any other president of a deliberative assembly. Should a

member persevere in breaches of order, or in persistent and wilful obstruction of business, the Speaker may "name" him, as it is called, a course followed by the censure of the House, or by the suspension of such member from the service of the House for a week or a month, or for the remainder of the session. In extreme cases the Speaker may order members or persons who have committed breaches of privilege of the House into custody, until the pleasure of the House be signified. On divisions, when the numbers are equal, he gives the casting vote. At the end of his official labours he is generally rewarded by a peerage, and a pension of £4000 for two lives. He is a member of the Privy Council.

When the Queen opens Parliament, she goes in State to the House of Lords, and takes her seat upon the Throne. The Commons are then summoned, and such members as please attend, with their Speaker, at the bar. The Royal Speech, prepared beforehand by the Ministry, and in which the present condition of public affairs is briefly set forth, and the new measures to be submitted to the Legislature vaguely adverted to, is handed to the Queen by the Lord Chancellor and read by her.

Then her Majesty retires, and the business of the session commences. The Commons return to their own chamber, and, by way of form, read some Bill, to keep up their privilege of not giving priority to the Royal Speech. Two members appointed by Government then move and second the "Address" in either House, thanking her Majesty for her "gracious speech," and each House appoints a deputation to present it. The debate upon the address is often very vehemently contested, and "*amendments*" or alterations, implying a refusal to accept the intended policy of the Ministry, are frequently proposed.

When Parliament is opened by Commission, the Royal Speech is read by the Lord Chancellor, who is always one of the Commissioners, and the Address discussed as I have stated.

The business of making and altering the laws is carried on by each House of Parliament independently of the other. No proceeding which has taken place in the one may properly be alluded to in the other, nor may any past debate of the same session be mentioned. Their deliberations are supposed to be secret, and although the public is admitted to hear the debates, and reporters from the newspapers attend regularly to publish them, this is only practically permitted by a foolish fiction,

under which their presence is ignored. Proposals to exclude strangers have to be formally made, and are put to the vote without a debate. The Speaker, however, has the power of clearing the House when he should think necessary. There are parts of the House to which strangers may be admitted when no objection is made, but any attempt to trespass upon the portion set apart for members of Parliament would be treated as a serious contempt. By a curious fiction, the space immediately around the Throne and the Woolsack in the House of Lords is deemed not to be a part of that House. So that, when the Lord Chancellor wishes to speak, he moves from the Woolsack to the front of the head of the ducal bench, and from thence addresses the peers.

The only official report of proceedings in Parliament is printed by the Queen's printer. Formerly, before the invention of printing, Acts of Parliament were published by the sheriff of every county, by being proclaimed at his county court, where also copies were kept. This custom continued till the reign of Henry VII.

I have already stated the measures which it is the privilege of the Lords or Commons to originate. There is one Bill only which the Crown has a right of initiating—an Act of General Pardon. This is originated by the Sovereign, and read *once* in each House of Parliament. All others may be introduced in either House, and by any member; only such as are of great public importance are generally taken charge of by the Government, who, having certain days of the week exclusively devoted to the discussion of the Bills they bring in, have better opportunities of passing them. Government Bills are entrusted to the head of the department which conducts that branch of the administration which the proposed new law will affect. Thus, Bills relating to the colonies are brought in by the Colonial Secretary; to police, prisons, &c., by the Home Secretary; to taxes, by the Chancellor of the Exchequer, &c. &c.

Bills are either (1) *public*, affecting the general interests of the State; or (2) *private*, enabling private individuals, associated together, to undertake works of public utility at their own risk, and, in a degree, for their own benefit; and also relating to naturalization, change of name, or for perfecting titles to estates, &c. Public Bills may originate in either House, unless they be for granting supplies of any kind, or

unless they involve directly or indirectly the levying or appropriation or removal of any tax or fine, for then they must be initiated in the Commons; so must all private Bills which authorize the levying of local tolls or rates. Estate, peerage, and naturalization Bills are commenced in the House of Lords.

Before the commencement of business in either House, prayers are read; in the Lords by one of the bishops, and in the Commons by the Speaker's chaplain. Three members must be present in the former, and forty in the latter, or there is what is called "*no House*," and, the Speaker's attention having been called to the fact that there are not forty members present, the House is adjourned.

In the House of Lords a peer merely gives notice of his intention to bring in the Bill, but a member of the Lower House must obtain its leave to do so, by motion for that purpose, before he can introduce it. If permission be given, the Bill, in manuscript, with blank spaces for dates, numbers, and other particulars likely to be altered, is brought in, and the introducer moves that it be read a first time. Every motion made in the Lower House must be seconded. In the House of Lords no seconder is required. When leave is given the Bill is read a first time, and ordered to be printed; copies of it are distributed amongst the members, and upon the day fixed it is read a second time, and its *principle* then fully discussed, matters of detail being reserved for arrangement in the next stage, when it is either "committed," *i.e.*, referred to a committee, or the House goes into "committee" upon it. When this latter takes place, the Speaker quits the chair, and another parliamentary officer, *the Chairman of Committees*, presides. Each clause is read over in order, and altered, added to, improved, or struck out, as the majority decide, the blanks are filled up, and sometimes the Bill is entirely remodelled

Standing Committees are appointed for the consideration ot all Bills relating to Trade, Shipping, and Manufactures, and other important national interests. A Bill committed to one of these Standing Committees, when reported to the House, is proceeded with as if it had been reported from a committee of the whole House, unless otherwise ordered. At the committee stage a member may speak several times upon the same motion; at other times he may only speak once. When the Bill has been gone through to the end in this manner, it is

ordered to be reprinted, and is read a third time, and amendments are sometimes made to it at this stage also, and new clauses added. The Speaker then holds the Bill in his hands, and puts the question, whether the Bill shall pass. If this is agreed to, the title to it is then settled. After this, the Bill is printed fair by the Queen's printer, and, if it originated in the House of Commons, one of the members of that House, attended by several more, carries it to the bar of the House of Peers.

It there passes through the same forms as in the other House, and, if rejected, no more notice is taken; but if it is agreed to, the Lords send a message to that effect. If it be amended, it is sent back with the alterations made, to which, if the House which originated it agree, a message is sent to say so; if not, a conference between the two Houses takes place, and the difference between them is generally settled; but if this cannot be done, the Bill is abandoned. On a Bill passed by the Commons being sent up to the Lords, the clerk of the former endorses on it "*Soi ballé aux Seigneurs;*" and the same form is observed by the clerk of the Lords on a bill being sent to the Commons, the endorsement being "*Soi ballé aux Communes.*"

When the Bill has passed through both Houses in this manner, it is ready to receive the Royal assent, which is given either by the Sovereign in person or by Commission. It is then, and not before, a statute or Act of Parliament. When the Sovereign gives consent in person, the fact is previously communicated to the clerk-assistant, who reads the titles of the Bills, on which the Royal assent is signified by a gentle inclination. If it be a Bill of Supply, the clerk pronounces loudly, in Norman French, "*La reigne*—or *Le roy*—*remercie ses bons sujets, accepte leur bénévolence et ainsi le veult.*" To other public Bills the form of assent is "*La reigne le veult,*" "The Queen wills it so." To private Bills, "*Soi fait comme il est désiré,*" "Be it as it is prayed." When the Royal assent is refused, the clerk says, "*La reigne s'avisera,*" "The Queen will consider of it;" but these words are never now pronounced, and have not been heard since Queen Anne refused to sanction the Scotch Militia Bill in the year 1707.

Formerly all Bills were drawn in the form of petitions to the Crown, which were entered upon the Parliament rolls, with the King's answer annexed thereto; and at the end of

each Parliament, the judges drew them into the form of statutes, which were entered upon the statute rolls. Bills in the form of Acts, according to the modern custom, were first introduced in the reign of Henry VI.

A Bill may be opposed at any, or all, of its stages. When it is intended to do so, after a sufficient discussion has taken place, the "question" is "put" by the Speaker, and the House is *divided*. Those members who vote for the Bill, or amendment in it, go into one lobby of the House, and those who vote against it into another. *Tellers*, or counters of the voters on either side (generally the mover and seconder of the Bill and two of its principal opponents), are appointed to ascertain the numbers in each. The result is written down upon a slip of paper, which is handed to the teller of the side that has a majority, who reads the figures aloud. He then hands the slip to the Speaker, who again formally reads the figures, and declares the result of the division. If an error in counting the votes or any breach of order during the division has occurred, the member affected, sitting in his usual place and with his hat on, must call the attention of the Speaker thereto before the announcement of the numbers. The Speaker does not vote except when the House is equally divided; he then may give a casting vote. In committee he is entitled to speak and vote like any other member.

The Whips, who act as Tellers in the great Party divisions, are members of Parliament whose duty it is to obtain as good a muster of supporters of their own side as possible. The Government Whip is the Patronage Secretary of the Treasury, who goes out of office with the Ministry, and is one of the most important men in its councils. It is his chief business to prepare for divisions and guard against surprises; to acquaint himself with the whereabouts of all the Government supporters, and keep them supplied with circulars, emphasized by underlining as urgency requires, giving the time when their presence to vote is necessary; to arrange the order of debate and settle minor details of procedure in an informal way with the Whip of the Opposition, so that the work of the Commons should proceed with a certain amount of smoothness and celerity.

In the House of Lords, peers vote by the words "*content*" and "*non-content*." In the Commons, members signify their wish by saying "*aye*" or "*no*." Bills must pass through

all their stages in one session. So a formal method of throwing one out, is to move that it be read a second time "that day six months," or "to-day three months," when it is certain that Parliament will not be sitting. Bills are also sometimes referred to *Select Committees* chosen by the House in which they are introduced. These Committees deliberate and examine witnesses, to ascertain whether the proposed measure is essential or otherwise, in apartments provided for the purpose, and report the result of their investigations to the House. When Bills are referred to standing committees, the members of these Grand Committees, as they are termed, are nominated by a committee of selection having due regard to their qualifications.

Private and personal Bills are based upon *petitions*, and if they propose to interfere with the land or property of any one, their purpose must be advertized in the public papers. These also are referred to a committee charged to investigate their provisions, before which persons interested in or affected by them may appear by counsel. The committee makes its report to the House, and the bills are passed or rejected in the same manner as public Bills. Private Bills, in the nature of Estate Bills brought up from the Commons, are, after being read a first time in the Lords, referred to two of the judges, who examine them and make a report thereon.

Early in the session the Chancellor of the Exchequer lays his *Budget* (from the French word *bougette*, a bundle) before Parliament. This contains an estimate of the sum required for the service of the State, for the Army, Navy, Civil Service, &c. &c., and the means proposed for raising it by taxation, or otherwise. The duration of a Ministry very often depends upon the financial policy of its Chancellor of the Exchequer. The sum required is voted or refused by the House of Commons, and the ways and means of raising the supply voted are considered by a committee of the whole House, called the *Committee of Ways and Means*, and the manner in which it is to be applied is discussed, item by item, in *Committee of Supply*, in which members are at liberty to ask questions as to its application, which are answered by the Minister to whose department they refer. The resolutions in Committee of Supply are embodied into what is called *the Appropriation Bill*, which is sent up for approval to the House of Lords. This Bill provides

that the supplies are to be applied solely for the purposes stated in the votes. The House of Lords may reject it, but cannot alter it. The passing of this Bill is usually the last business of the session.

To pass the Mutiny Act is also the annual business of Parliament. In former days the monarch often used the army to control the liberties of the subject. To remedy any abuse of power in this respect, it has for many years been the custom to pass the laws relating to the discipline and regulation of the army for one year only, to be renewed the next. If anything happened to prevent the Mutiny Act being passed in proper time, the whole of our army would be in fact disbanded. The Mutiny laws are now contained in the Army Discipline and Regulation Act, 1879, which has to be renewed annually by Act of Parliament.

When the business of the session is concluded, Parliament is *prorogued*, or, if necessary, dissolved, by the Sovereign in person, or by Commission, when a Royal Speech is delivered commenting upon the proceedings of the session, the state of public affairs, and thanking the Commons for voting the supplies.

Dissolution is the civil death of the Parliament, and may be effected in two ways—1, by the Sovereign's will; and 2, by the lapse of time, the length of a Parliament's life being at present fixed at seven years.

LETTER VII.

THE TREASURY.

The Board—The Chancellor of the Exchequer—How the Budget is prepared—How the Expenditure is dealt with—Supply—The Appropriation Bill—The National Debt—Value of Money—Sinking Funds—Consols—Annuities—Imports and Exports—The Bank of England.

THE most important of the Government Offices is the Treasury, and the Prime Minister is usually its "First Lord." Anciently the Treasury was ruled by a Lord High Treasurer, who was the most powerful Minister in England, but ever since George I. nominated Lord Halifax and four other persons "Lords Commissioners for executing the office of Lord High Treasurer," the office has remained in commission.

The Treasury Board has, however, developed on the same lines as the Cabinet. At one time all the members of the Cabinet were of equal authority, and they still are so, nominally; so it was with the Lords of the Treasury. But now as the Premier appoints his colleagues in the Ministry so does the First Lord appoint his colleagues at the Treasury. And, indeed, the Treasury is no longer a "Board" but in name; it is a department in the charge of the Chancellor of the Exchequer, who has the entire control of the public money, and of all matters relating to its receipt or expenditure. The three Junior Lords of the Treasury are members of Parliament. They are expected to be in attendance on the various committees, and arrangements are made that some of them shall be in the House whenever it may sit. There are two Political Secretaries—one attending to financial, and the other to parliamentary business. The Permanent Under-Secretary is the official head of the department.

At one time the Board at its meetings was presided over

by the King, the First Lord, Chancellor of the Exchequer, and Junior Lords being seated round and all taking part in the discussion; but change gradually had its way, and the meetings are no longer held; the First Lord has become the honorary chief, and the work of the Commissioners is almost entirely done by the Chancellor of the Exchequer, with whom rests the responsibility of finding sufficient money to meet the national expenditure.

Every autumn the Chancellor of the Exchequer sends a circular to the different Government departments requiring them to forward him details of their estimated expenditure for the coming year, in order that he may know what the claim on the nation is to be. These estimates he cuts down as much as possible. A circular is then sent to the revenue departments for their estimate of increase. And with the information so obtained, he sets about the consideration of his "Budget," as his annual financial statement is called. Although his proposals are always considered in the Cabinet, it is his business to introduce and defend them in the House of Commons, and as the adjuster of taxation his position can hardly be said to be as popular as it is exalted.

The national accounts are made up to April 5, the official Lady Day, the eleven days dropped out at the reformation of the calendar having been retained in the national book-keeping to the nation's perpetual inconvenience. Immediately after this date the Chancellor of the Exchequer submits the revenue and expenditure accounts to the consideration of the House of Commons, where his proposals for raising money are discussed in "Ways and Means," and the suggested ways of spending the money are dealt with in "Supply."

The revenues of the Crown Lands, and the proceeds of taxation, and all items of the national income are paid into the Bank of England to the account of the Exchequer, and, as I have said before, constitute the Consolidated Fund. As there are two sources of revenue, so are there two streams of expenditure. Three-fifths of the sums paid away by the nation are expended under the direction of Acts of Parliament, two-fifths are expended on the authority of Parliamentary votes. The security of the public creditor, the dignity of the Crown, and the reputation of the judges would, it is held, be damaged if the payments needed for the interest on the National Debt, the Civil List, and the expenses

of the administration of justice were endangered in any way by caprice, and consequently the existing Acts give a standing sanction to pay them. For the interest on the "unfunded" debt, the maintenance of the navy and army, the expenses of the collection of revenue and other branches of the Civil Service, there is no standing sanction, and, in consequence, no payment can be made on those accounts without an annual Parliamentary authority.

When the votes in "Supply" have been passed and reported, a resolution in "Ways and Means" authorizes a grant out of the Consolidated Fund "for making good the Supply." This resolution, in the form of a Bill, has to pass through the House and receive the Royal Assent before the Treasury has power to draw the money; and the money is not drawn direct by the Treasury. Located in Somerset House is "The Exchequer and Audit Department," presided over by the "Comptroller and Auditor-General," a permanent official of the State, whose business it is to issue moneys to the Government. To him the Ways and Means Act is taken, with certain "royal orders" authorising the Treasury to apply the supplies as required by the Act, and by him credits are granted in the Treasury's favour on the Exchequer account at the Bank of England. The Treasury then issues its orders on the Bank to transfer the money to the account of the Paymaster-General, who is one of the Ministers of the Crown, though not of Cabinet rank; and it is through the Paymaster-General that the money is distributed to the various Government departments as required.

The application of the grants in the proportions specified in the Parliamentary votes is ensured by the Appropriation Act. That Act contains the last grant of Ways and Means to cover the last vote in Supply; in it all the previous grants are recorded, each with its appropriation, and it concludes with the proviso that the said aids and supplies shall not be issued or applied to any use, intent, or purpose other than those mentioned, or for the other payments directed to be satisfied by any Act of Parliament of that particular session. But in order to provide for emergencies, for sudden calls for money other than the amounts voted by Parliament, there is in existence, as a sort of "float" or "imprest," the Treasury Chest Fund, which is limited to £1,300,000, and employed as a banking fund for facilitating remittances, and for tem-

porary advances for public and colonial services, to be repaid out of the moneys appropriated by Parliament. And in addition to this there is the Civil Contingencies Fund, amounting to £120,000, affording a further margin for the unforeseen.

Owing to its control of the purse strings, the influence of the Treasury extends over all the other Government departments. It exists that expenditure may be checked and decreased. But as the country grows the expenditure grows, and the Treasury is always fighting a losing battle, and it gets little sympathy, as it is a necessary condition of its existence to sacrifice the efficient to the cheap.

The chief source of the Treasury's revenue is the Excise; its chief expenditure is the interest on the National Debt; and the National Debt really consists of sums borrowed by Government to make up deficiencies of revenue. Charles II. was the first king of Great Britain who borrowed money on the national credit, and this he began in the very first year of his reign. At the abdication of James II., in 1688, the amount of the debt was upwards of £660,000.

But it was James's successor who established the system. The Revolution, and the consequent banishment of the house of Stuart, involved us in a long and costly war with Louis XIV. of France, who espoused the cause of our exiled king. The seat of his son-in-law, William III., upon the vacated throne, was by no means secure. A large and powerful party of Englishmen still remained true to James II. as king *de jure* (of right), and many others only just tolerated the sway of the *de facto* sovereign.

Money, far beyond what the ordinary revenue of the country would provide, was required to defray the cost of the struggle which we were compelled to wage in defence of our religion and liberties; and it was felt that it would be dangerous in the extreme to impose new taxes enough to meet the demand. The cause of Louis was the cause of James, and it was not to be expected that the adherents of the latter would quietly submit to heavy imposts to furnish means for destroying their fondest hopes. It was therefore determined to borrow money upon interest, and to repay it when the resources of the country were in a more flourishing condition. But the exigencies of the public service, owing to wars, went on increasing, and loan after loan was contracted, not only in succeeding years but in succeeding reigns.

Much to the credit of our country, however, it has to be noticed that at almost every interval of peace some serious attempt was made at reducing the public indebtedness. Thoughout the history of the National Debt of the British Empire during this early period this was a feature which stood out in singular contrast to the financial policy of all other nations. And it was this that mainly supported our credit throughout the wars with the first Napoleon, to which the bulk of our indebtedness has to be attributed. In the period of twenty-two years comprised between 1793 and 1815, the augmentation in the National Debt was over *six hundred millions*. But since the Battle of Waterloo Great Britain has paid out of revenue for every war she has waged, and has in addition diminished her debt by over a hundred millions. In 1816 the debt amounted to £45 a head of the population; in 1888 it was under £20 a head. At the conclusion of the financial year, 1888, the total National Debt, funded and unfunded, amounted to £705,575,000. And during the same year a very considerable reduction was effected in the burden of the debt. By the Conversion Act then passed, the old 3 per cent. Consols that had existed for so many years, were replaced by a new stock, also called Consols, bearing interest at the rate of 3 per cent. up to April 1889, and thereafter 2¾ per cent. until April 1903, when the rate was fixed to become 2½ per cent. The conversion was not compulsory, but those who did not think it worth while to accept the new terms were left with the old 3 per cents. redeemable at par on due notice being given. This great financial operation, by which the capital of the National Debt was practically reduced by many millions, was carried through with remarkable success, and the New Consols now form the greater part of the funds.

The term *fund* applied originally to the taxes or funds set apart, as security, for repayment of the principal sums advanced and the interest upon them; but when money was no longer borrowed to be repaid at any given time, it began to mean the principal sum itself. In the year 1751, Government began to unite the various loans into one fund, called the *Consolidated Fund* (which you must not confuse with that of the same name into which part of the revenue is collected), and sums due in this are now shortly termed *Consols*. These come under the general denomination of *Stocks*.

The interest paid upon loans during the reigns of William III. and Anne was various; but latterly, instead of varying the interest upon the loan, according to the state of the money market at the time, it was fixed at 3 per cent., the necessary addition being made in the principal funded. Thus, suppose that Government could not borrow money under 4½ per cent., they would give the lender £150 3 per cent. stock for every £100 he advanced, and the country would be bound to pay him £4 10*s.* a year as interest until the debt was extinguished by a payment of £150. This was eventually found to be a very bad plan, and it was calculated, when it was discontinued, that owing to its adoption the debt then existing amounted to nearly two-fifths more than the sum actually advanced, and that we were paying from £6,000,000 to £7,000,000 a year in interest more than would have been due had the money been borrowed at the market rate of the day, and funded without increase of capital. For the market rate of interest might fall the week after the loan was contracted, whereas the additional capital funded remained undiminished.

The value of a nominal £100 of stock fluctuates according to the abundance or scarcity of money in circulation. During the last hundred years the market price of £100 in the 3 per cent. Consols has been as low as 47¼, and as high as 102¼. Anything that tends to endanger or lessen the national prosperity causes the Funds to sink, and *vice versâ*. Foreign nations have attempted to keep up the price of their stocks by force of law, but have failed signally. Money, like water, will find its own level, and no legislative enactments will cause any permanent increase, or the contrary, in its value.

A portion of the revenue, then, is set apart every year to pay the interest upon the National Debt to such persons as have themselves lent money, and to those by whom the claims of others have been inherited, or to whom they have been transferred. The person to whom stock is transferred need not receive any certificate of the transfer—although the National Debt Act, 1870, provides for the issue of stock certificates, payable to bearer—but his name is registered in the National Debt books. If he disposes of the whole or any part of it, it is again transferred from his name to that of its new proprietor. The registry books are arranged alpha-

betically in the Bank of England, and distributed in several apartments, marked with the initial letter and syllables of the book they contain. Thus everybody is able to find the exact place where his account is kept. The business of buying and selling stock, however, is almost entirely in the hands of the *stockbrokers*, who become agents for the parties who wish to procure or part with it, and transact all the necessary operations upon their behalf.

I imagine that you were much puzzled when you first heard of the *cheapness of the sovereign*. You thought, no doubt, that sovereigns and shillings were of a fixed and unalterable value; and as far as regards their shape and weight they are so. But really and practically they are no more than pieces of gold and silver, worth just as much as you can get in exchange for them, and no more. A sovereign represents so much land, or so many legs of mutton, or pieces of ribbon, or cricket bats, or anything else that we may require. If there are only a few legs of mutton in the market and plenty of sovereigns to buy them with, the holders of money must (*practically*) compete with all other persons requiring meat, and give as much for it as any of them will pay. If, on the other hand, legs of mutton are numerous, and there are very few sovereigns in circulation, the tables are turned—the butcher must compete (in the same way as before) for the money, and give as much meat as others will in return for the gold. Therefore, when you say that certain things are *cheap* or *dear*, you mean, in other words, that they are relatively plentiful or the reverse. You were also no doubt puzzled to hear people talking of the *price of money*. The price of money is the price or rate of interest at which you can *borrow money*. As in the instances I have just given, you will see that when money is plentiful a person in good credit can obtain it at a lower rate of interest than when it is scarce.

For the gradual reduction of the principal of the National Debt, *Sinking Funds* were established; the first by Sir Robert Walpole in the year 1716, the second by Mr. Pitt in 1786. By the latter an estimated surplus of £900,000 in the revenue was augmented by taxes, so as to make up a sum of one million; and this was to be applied every year towards paying off the public creditors. As long as this, or *any* surplus remained over expenditure it might be properly and success-

fully applied to this purpose; the time came, however, when there was no such surplus, but the sinking fund did not disappear with it. We were soon at war again, and obliged to make new loans to supply a *deficiency*, but the £900,000 were still applied as before, and the fund still deserved (in one sense) the term by which it was known, for it was sinking the nation deeper and deeper in debt. We were discharging liabilities upon which a small amount of interest was due with one hand, and contracting fresh ones upon which we had to pay a large interest with the other. We were, in fact, following the example of the Irishman in the story, who, finding that his blanket was not long enough to cover the upper part of his bed, cut a piece off its other end to supply the deficiency! The financiers of the day were deluded by a fascinating theory that the sinking fund accumulating upon *compound interest* (that is, interest upon interest) would in time equal the debt. Dr. Price, at whose instigation the second sinking fund was established, attempted to prove this by various calculations. But to secure the marvellous increase effected in time by compound interest, all the proceeds must be re-invested and added to the capital, not expended as income; and this was never actually done.

One of the methods successfully adopted for decreasing the amount of interest paid upon the funds, was for Government to offer—when it had a surplus in hand—to redeem sums of stock unless the holders agreed to accept a lower rate upon them; and as this was proposed at the market price of the day, they were generally willing to do so. Another plan was, the creation of annuities for various terms of years.

A terminable annuity is a fixed annual payment for a limited time, made up of interest and instalment of principal upon the debt which the annuity represents. As the instalments of principal are repaid the balance of debt outstanding of course diminishes, and the charge for interest diminishes also. Hence, the annuity remaining always the same, the instalments of principal repaid increase in amount every year. Supposing, for example, the debt to be £1000, the rate of interest to be 3 per cent., and the annuity created for paying off the debt to be £130. The interest in the first year taken out of the annuity will be £30, leaving £100 as the instalment of principal to be repaid. In the second year

the balance of the debt will be £900, the interest taken out of the annuity will be £27, and the instalment of principal £103. In the third year the interest will be something under £24, and the instalment of principal something over £106, and so on, until at the end of the eighth year the balance of debt outstanding will be rather more than £100, and the interest to be taken out of the annuity will be between £3 and £4, and the instalment of principal available between £126 and £127. Thus the debt would be rather more than paid off in the ninth year of the annuity. It can hardly be doubted that the operation of the terminable annuities has contributed greatly to reduce the debt.

Another attempt, however, is now being made to reduce the National Debt by establishing another sinking fund. By the Act of 1875, called the "Sinking Fund Act," an annual sum of £28,000,000 is charged upon the Consolidated Fund, and, after paying interest on Exchequer bonds and certain specified annual charges, the National Debt Commissioners are directed to apply the surplus, which is to be called the New Sinking Fund, to pay off and redeem certain portions of the debt.

Most other nations have contracted public debts, and ours is not the heaviest, but its amount is enormous. Such, however, is the vastness of our trade and the elasticity of our resources, that the impost is by no means insupportable. Indeed, some economists maintain that we are better off with it than we should be without it. I do not go so far as this. The debt, however, is the price we pay for the position (out of all proportion to their geographical limits) which these little islands have won. It is the capital we have sunk in extending our business. Some of the wars for carrying on which it was incurred might have been averted probably, or brought to speedier termination; but others were most necessary, and, taking the rough with the smooth, it is very fair that posterity should bear a portion of the burden, as they participate in the many benefits it secured.

Our average revenue during the reign of William III. was about £4,000,000; in that of George I. it was £6,000,000; in that of George II., £8,000,000; in the year 1788, it had risen to £15,572,971. In 1888 it was £90,000,000. In

the same year our exports were £280,763,161, and our imports £362,227,564.

With regard to the disparity in value which exists between our exports and our imports, I may observe that it used to be urged that it showed an unsound state of commerce. The *balance of trade*, it was said, was against us, as we *took* more from foreign nations than we *gave*. You will see the fallacy of this argument at once if you bear in mind that England is a large owner of property in almost every quarter of the globe, and that much that she imports is her own, and consequently has not to be paid for at all. If a merchant in England owns coffee estates in Ceylon or Brazil, and imports the produce into England, it is clear that he need export nothing in return, as he is simply bringing home what is his own. The fact, then, that our imports greatly exceed our exports is, if anything, a sign of prosperity and wealth, and certainly not of decadence and bankruptcy. The wealth of British capitalists abroad has during the last fifty years increased enormously, and amounts to many thousands of millions of pounds.

Our sketch of the work done by the Treasury can be fitly completed by a few words on the Bank of England, with which it is so intimately connected.

The Bank of England was projected by William Paterson, and founded in 1694. The money required for the great struggle for Protestantism and Liberty under William III. was not easily raised. By the financiers of the time the Government was declared to be "unstable," and therefore an undesirable borrower, and for every loan it was made to pay bitterly. The duties being required before they were levied the City Corporation was usually applied to for an advance. For the accommodation the interest demanded was invariably in proportion to the necessities of the borrower. The City officers would go round to their wards and borrow in small amounts the total they had advanced to the State, and often the interest and premiums demanded would exceed twenty-five per cent., and sometimes hardly half the nominal sum would reach the Treasury. The trader filled his pockets at the expense of the public.

The founding of the Bank of England not only relieved the Ministerial managers from their frequent visits to the City, but gave life and currency to double or treble the

value of its capital in other branches of the public credit, and it became the principal means of the success of the campaign in 1695, when the reduction of Namur proved the first material step towards the Peace of 1697. The scheme, like all good schemes, was met with virulent opposition by the political party that did not happen to be in office, who, as usual, made common cause with all who had a grievance against the new departure.

"The goldsmith," says Francis, the Bank's historian, "foresaw the destruction of his monopoly, and he opposed it from self-interest. The Tory foresaw an easier mode of gaining money for the Government he abhorred, with a firmer hold on the people for the monarch he despised, and his antagonism bore all the energy of political partisanship. The usurer foresaw the destruction of his oppressive extortion, and he resisted it with the vigour of his craft. The rich man foresaw his profits diminished on Government contracts, and he vehemently and virtuously opposed it on public principles. Loud therefore were the outcries, and great the exertions of all parties when the Bill was first introduced into the House of Commons. But outcries are vain, and exertions futile in opposition to a dominant and powerful party. A majority had been secured for the measure, and they who opposed its progress covered their defeat with vehement denunciations and vague prophecies. The prophets are in their graves, and their predictions only survive in the history of that establishment the downfall of which they proclaimed."

The Act authorized the raising of £1,200,000 by voluntary subscription, the subscribers to be formed into a corporation and be styled "The Governor and Company of the Bank of England." The sum of £300,000 was also to be raised by subscription, and the contributors to receive annuities for one, two, or three lives. The corporation were to lend their whole capital to the Government, for which they were to receive interest at the rate of eight per cent. per annum and £4,000 per annum for management, being £100,000 per annum on the whole. The corporation were not allowed to borrow or owe more than the amount of their capital, and if they did the individual members became liable to the creditors in proportion to the amount of their stock. The corporation were not to trade in any goods, wares, or mer-

chandise whatever, but they were allowed to deal in bills of exchange, and gold or silver bullion, and to sell any goods upon which they had advanced money and which had not been redeemed within three months after the time agreed upon.

The whole of the subscription was filled in a few days; the money was handed into the Exchequer, and the Bank procured from other quarters the funds which it required. "It employed the same means which the bankers had done at the Exchange, with this difference, that the latter traded with personal property, while the Bank traded with the deposits of their customers." From the circulation of the capitals so formed, the Bank derived its profit. It began business in Mercers' Hall, where it remained but a few months. Then it removed to Grocers' Hall. Here, in one room, the directors, secretaries, and clerks, "with all the other members of the corporation ranged in their several stations according to the parts they hold in that just and regular economy," carried on their work.

The first charter of the Bank ended in eleven years, but in consequence of the great services to Government rendered by the new institution its charter was renewed; and it has been renewed again and again. It was last renewed in 1844, and the Bank still carries on its operations under the charter of that date, which is subject to modification or revocation whenever Parliament may see fit. The main provision of the Act of 1844 and the supplementary Act in the following year was to prevent the issue of notes from exceeding a certain amount unless the Bank held a corresponding amount of gold, so that a mixed currency of paper and coin might expand and contract like a self-acting metallic currency. But the restrictions of the charter have become practically inoperative. When gold is required abroad it is taken chiefly from the Bank reserves, and when these reserves diminish, the Bank Directors, who are all chosen from London's leading merchants, and therefore well acquainted with the state of trade, counteract the tendency to excess in the withdrawal by raising the rate of discount and restricting the Bank's lendings. By this means the purchasing power of the public is limited and prices kept down, while at the same time gold is attracted into the country for investment, and the circulation left much as it was.

The Bank is divided into two branches—the banking department and the issue department. The object of the issue department is simply to provide the public with notes. It is assumed, for reasons we need not here detail, that the Government is indebted to the Bank in the sum of £16,200,000. This being a perfectly good asset, the security being the stability of the British Empire, it is allowed to be treated as if it were gold, and notes to the full amount are issued against it. All notes issued in excess of this £16,200,000 must be against gold in the Bank coffers, and for the net profit of the extra issue the Bank has to account to the Government. The Bank receives interest on the amount owing to it by the State, but it has to pay a composition of £180,000 a year in lieu of stamp duties. The Bank also makes a profit on the purchase of bullion and foreign coin exchanged for notes. These are really worth £3 17*s.* 10½*d.* an ounce, but by its charter the Bank is only allowed to pay £3 17*s.* 9*d.* The holders of the gold find it pays them better to take the reduced price instead of having it carried free of charge at the Mint, owing to the delay in coining meaning a loss of interest to them of quite the three halfpence an ounce.

The banking department manages the National Debt and pays the dividends on it; it holds the deposits belonging to the Government and makes advances on them as required; it helps in the collection of the revenue; it is the bank of all other bankers, for the securities on which advances are made in the ordinary course of business by ordinary bankers and discount brokers are by those bankers and brokers negotiated wholesale at the Bank of England. The Bank of England is thus the very centre of the national trade, and its Governor is necessarily the highest authority on the financial needs and potentialities of the Empire.

LETTER VIII.

THE REVENUE.

Taxes and Rates—Taxes on Alcohol and Tobacco—Indirect Taxation—Direct Taxation—Income Tax—Land Tax—House Tax—Luxury Taxes—The Board of Inland Revenue—The Board of Customs—The Post Office—Its Departments—The Post Office Savings Bank.

THE Inland Revenue and the Customs are the two main channels by which the money is raised that is required to meet the country's expenditure. They collect the taxes—that is, all such payments from the people as are required for national purposes—for the good of all. For local purposes rates—made by local authorities—furnish the supplies; for the general defence and safe governing of the empire as a whole the funds are raised by taxes, which are imposed by Parliament at the suggestion of the Chancellor of the Exchequer.

Most of the taxes are collected through the Excise—that one department alone accounting for a quarter of the revenue. If to it we add the Income Tax and Stamps, we have rather more than half the country's income accounted for through the Inland Revenue. About a fifth of the taxes are now collected by the Board of Customs; before the Free Trade era the proportion was much larger.

More that half the Excise receipt is raised by the tax on spirits, and more than a third by the tax on beer; were the nation to become totally abstinent from alcoholic drinks, these large amounts, making together over twenty-one millions of pounds, would have to be raised from some other source. The revenue of the Customs is mainly derived from tobacco, the duties on which account for nearly half the total collection. Were smoking to go out of fashion, the burden of contributing this huge sum to the revenue would have to be borne by other

shoulders, and again a desirable change in the nation's habits would mean a serious unsettlement in the incidence of taxation. The tax on tea yields about half as much as the tax on tobacco, and the duty on imported spirits is about equal in return to that on tea.

The bulk of the revenue is thus raised by what is called "indirect taxation"—that is, in duties paid on commodities by the wholesale merchants and recovered by them in selling the commodities retail at a sufficiently increased price to return the trader's profit, the proportion of tax paid, and the interest on the proportion of capital invested in prepayment of the tax. The drinker of every cup of tea thus indirectly contributes to the revenue of the country; the amount of the contribution may be insignificant, but were it not for that contribution his tea, if bought wholesale, would cost him less.

The indirect tax is easy of collection. As all partake in the blessings of good government it would be unjust were not all to contribute towards that government's expense. But there are many people in the country who would not pay a halfpenny of taxes if they could avoid it, and hence the existence of the indirect tax in which the contribution is masked and popularly supposed to form part of the profit of the retailer.

The taxes of the other kind—direct taxes as they are called—are paid chiefly by persons from whom they are easily recoverable. An income tax would produce little from those who have neither money nor available goods, hence a limit is drawn below which no tax is charged; above that limit the tax presupposes the existence of a fixed income, in addition to household goods within reach of the arm of the law, should distraint be necessary. And hence it is that the burden of direct taxation is mainly borne by the well-to-do, who may be able to get their less fortunate brethren to share the weight by having them work for lower wages than they would otherwise obtain, or by persuading them to pay higher rents.

The chief direct tax is the Income Tax. There is also a tax on land, and a tax on houses, besides what have been well called the "luxury taxes," such as those on carriages, armorial bearings, male servants, and dogs. These are techni-

cally denominated "licences," but the chief revenue from the licence branch is derived from the annual permissions granted to exercise certain trades, such as inn-keeping, auctioneering, &c. These are all classed as "Inland Revenue."

INLAND REVENUE.—The Inland Revenue Board has many subdivisions. It has its secretaries' department, its solicitors' department, its land tax redemption department, its accountant- and comptroller-general's department, its excise department, its stamp and taxes department, its licence and railway duties department, its legacy and succession duties department, its income tax department, its receiver-general's department, its laboratory department, its stamping department, and its department of the controller of stamps and registrar of joint stock companies, newspapers, and bank returns. The duties of all these departments are sufficiently discernible from their names. Excise duties were first levied in 1626; they are chiefly levied on articles of consumption of home production. The Stamp Duty was imposed in the reign of William and Mary, in 1694. The Income Tax was introduced in 1799 by Pitt. Formerly each of the departments was under a separate Board of Commissioners; in 1834 the Board of Stamps was united with the Board of Taxes; and in 1848 the Board of Stamps and Taxes was consolidated with that of the Excise. The Board of Inland Revenue, under a chairman, deputy-chairman, and three commissioners, with their staff of officials, now controls the whole duties of Stamps, Taxes, and Excise.

BOARD OF CUSTOMS.—Customs are duties charged on commodities exported or imported. They are regulated by various Acts in which specific directions are given for the entry, discharging, and shipping of all goods, inwards and outwards, with certain prohibitions and restrictions as to the import and export of certain goods; and the Acts for regulating the coasting trade, which term designates all trade by sea from any one part of the United Kingdom to any other. In 1853 the several Acts then in force for the management of the Customs were consolidated by an Act called "The Customs Consolidation Act, 1853," which was supplemented two years later by an Act called "The Supplemental Customs Consolidation Act, 1855." For the collection of these duties

custom-houses are appointed. In these houses exports and imports are entered; the duties, drawbacks, and bounties payable or receivable are settled; and ships are, as it is termed, *cleared*. The principal office is in Thames Street, near the Tower of London. The Board consists of a chairman, a deputy chairman, and two commissioners. The superintending establishment consist of the secretary's office, the solicitor's office, the accountant and controller's office, and the statistical office. And every chief port has its separate establishment with authority over certain subports and creeks, so that no ship can enter or leave the Kingdom without the knowledge of a custom-house officer.

Post Office.—The third great source of revenue is the Post Office. Unlike the heads of the departments of Inland Revenue and Customs, the Postmaster-General has a seat in Parliament, and is always a member of the Ministry. In his name are made all the contracts for the conveyance of letters and other business of his department, and it is owing to his power of thus committing the State to expenditure that the country seeks to control him by insisting on his presence in Parliament. The Post Office is practically a trading concern, with receipts and expenditure, and a balance happily on the right side, available as revenue for the country's use. But neither the Inland Revenue nor the Board of Customs do any trade. They could not by any possibility make a loss; whereas the Post Office might. Hence, as offices merely of receipt, their personal representation in Parliament is not required. The Post Office is the most popular of our Government departments, as the Inland Revenue and Customs are the most unpopular. It is the one in which all take an interest, and of which all have some personal acquaintance; and it is the one that increases most rapidly. It has thrown off many branches from its parent tree of letter carrying only. The whole of our inland system of telegraphs is now under its care. By means of its insurance and annuity schemes, it competes with the life assurance companies, and offers to its insured, what other offices do not, direct Government security. With its postal orders and post office orders it does a transmission banking business, and in its savings bank, the largest savings bank in the world, it offers an incentive to thrift unequalled by any Government department in the world's

history. The poorest can now invest his shillings with the British Empire as security for their safe return. The safest of all banks is the Post Office Savings Bank. It is even safer than the Bank of England, which is, as we have seen, a quasi-private concern, liable to have its privileges modified or withdrawn by Parliamentary vote.

LETTER IX.

HOME GOVERNMENT.

The Home Secretary—The Lord Lieutenant—The Sheriff—The Local Government Act of 1888—Objects of Local Government—The Constable—The Churchwardens—The Vestry—The Poor—Unions—Guardians—Overseers—The Local Government Board—Municipal Corporations—Boards of Health.

The Home Office is the most important of the Government Departments after the Treasury. The Secretary of State for the Home Department was in times past the only Secretary of State, and his fellow secretaries have all come into existence for the purpose of relieving him of some portion of his onerous work. It is for this reason that the Secretaries of State are all nominally of equal rank, and are all authorized to fulfil each other's duties. One of them has always to be in attendance on the Sovereign, and another has always to be in London.

The Home Secretary is responsible for keeping the peace of the Kingdom. Should riot or rebellion break out, he it is who would communicate with the military officers and direct them how to act. He it is who, notwithstanding county and municipal control, is the real head of the county constabulary and municipal police. It is his duty to superintend the administration of the laws regarding factory labour and coal mines, and other such matters. He is the supervisor of the local magistracy and the controller of prisons and of all other institutions for the punishment of crime. And he is the Court of Appeal in criminal matters, for with him rests the power of pardon, or rather the power of advising the Sovereign to exercise that royal prerogative. He is, in fact, the administrator of home affairs so far as it has been thought needful to control them by the central Government.

It is, however, a fundamental principle of the British Constitution, that all persons and communities shall be allowed to manage their own affairs as long as they do so regularly and according to law; it being only natural to conclude that those whose comfort and welfare are to be considered, who will be the first and principal sufferers by neglectful or bad government, are much more likely to know what ought to be done than strangers, however well intentioned they may be, who have not the same knowledge and experience.

The most ancient division of the country for the purpose of self-government was into shires, hundreds, and tithings—so called because ten freeholders, with their families, composed one, ten tithings making the hundred. At present the usual divisions are the counties—so called from the Norman counts who replaced the earls in the government of the shires—hundreds, boroughs, and parishes. In some counties there is an intermediate division between the shire and the hundreds. Where there are three of these intermediate divisions, they are called trithings, and were anciently governed by a trithing reeve. These trithings still exist in the county of York, and, by a corruption, are denominated *ridings*.

The chief official personages in the county are the Sheriff and the Lord Lieutenant. The post of Lord Lieutenant in counties was first created in England in the reign of Edward VI., in consequence of the many disturbances in the counties following on the establishment of the Protestant religion. The Lord Lieutenant had formerly power to call out the Militia of his county, which he commanded, and the officers' commissions in which he signed; but now all commissions in that auxiliary force are prepared, authenticated, and signed in the same manner as the commissions of officers in her Majesty's regular forces.

The Lord Lieutenant is frequently the *custos rotulorum*, or keeper of the records of the county, and attends the Sovereign when he passes through it.

The office of Sheriff is of much greater antiquity. It is of pre-Norman origin, and its name is derived from the words *shire gerefa*, or *shire reeve*. The Sheriff was inferior to the Earl only when the Earl was the county's military governor, and he is now the chief man in it as his successor.

Sheriffs, by virtue of several old statutes, continue in their office no longer than one year, but a sheriff may be appointed *durante bene placito*, for so runs the royal writ. No man who has served the office of sheriff for one year can be compelled to serve again within three years after, if there be other sufficient person within the county. The discharge of the office is in general compulsory upon the man chosen; and if he refuse to serve, having no legal exemption, he is liable to be punished. No man is exempt from this office but by Act of Parliament or letters patent; though no person can be assigned for sheriff unless he have sufficient lands within the same to answer the Crown and people.

His powers and duties are various:—

Judicially, he superintends the election of knights of the shire, coroners, and forest verderers, and proclaims outlawries and the like. *Ministerially*, he is bound to execute all civil and criminal process issuing out of the superior courts, and in this respect is considered an officer of these courts. He is also the returning officer for his county, and he opens the elections for members of Parliament, and has various duties to discharge in reference to such elections. As the *Queen's bailiff*, it is his business to preserve her rights within his bailiwick—*i.e.*, county. All arrests for debt are made by the officers of the sheriff, who is responsible for the safe custody of the debtor. He has also to summon juries to serve upon trials, and to carry out the extreme sentence of the criminal law. As keeper of the Queen's peace in his county, the sheriff is the first man in it, not excepting the lord lieutenant. By virtue of his office he possesses the powers of a justice; but being the executor of the law, he may not act as an ordinary magistrate in administering it. He is bound to defend his county against all the Queen's enemies, and must take into custody all traitors and felons; and to enable him to do so, may summon to his assistance all the people in the county under the rank of a peer. This is called the *posse comitatus*, or power of the county.

He has to accompany, and entertain the judges of assize through his county, and to provide a sufficient escort of javelin-men for their protection. He sits on the right hand of the presiding judge at criminal trials, girt with a sword; and when there is a "maiden assize," that is, one at which there are no prisoners to be tried, he presents him with a

pair of white gloves. He has under him several inferior officers, as an under-sheriff, bailiffs, gaolers, &c., to assist him in the execution of his several offices; and on expiration of his office he has to deliver to his successor a correct list of all prisoners in his custody and of all unexecuted process of law. Such are the duties and powers of the sheriff as defined by laws now in force, but in practice he is hardly ever called upon to perform them. His deputy, the under-sheriff, transacts all the legal, judicial, and formal duties of the office; the police relieve him from the trouble of looking after criminals; and the time has passed in which our national defences could safely be trusted in his hands, however brave or loyal he may be. It is still a distinction to hold this post of high sheriff, as none but gentlemen of character and sufficient property are usually nominated to fill it.

The manner in which sheriffs are appointed is as follows:—The Lord Lieutenant prepares a list of persons qualified to serve, and returns three names, which are read out in the Court of Queen's Bench upon the morrow of All Souls' Day, when the excuses of such as do not wish to serve are heard, and, if deemed sufficient, the objector is discharged. The list is then sent to the Sovereign, who, without looking at it, strikes a bodkin amongst the names, and he whose name is pierced is elected. This is called "*pricking for sheriffs*."

Local Government was, until very recently, carried on by a variety of separately constituted bodies, frequently conflicting with each other in their public functions. The authority of these bodies was in some cases of very ancient origin, whilst in other cases it was derived from special Acts of Parliament, passed to meet the necessities of more modern times. Poor Law Boards, Public Health Boards, Highway Boards, and other distinct local authorities were successively created to supplement existing methods of administering the law. And the general administrative business of each county was for the most part performed by the justices of the peace assembled in Quarter Sessions.

In 1888 was passed the Local Government Act, by which it was sought to put an end to this chaos of administration. England and Wales were divided into counties and county boroughs, with distinct boundaries corresponding as nearly as possible to the geographical counties; and in each of these

counties and county boroughs was established a representative council with full control over the administrative business and finance. The council consists of chairman, aldermen, and councillors. The councillors are elected by the ratepayers, the aldermen are elected by the councillors, and the chairman is elected by the whole council. The councillors hold office only for three years.

The principal objects of local government are the preservation of peace and order; the education of the people; the relief of the poor; the erection and maintenance of public buildings, lunatic asylums, halls, and libraries; the making, paving, and lighting of roads and streets; the repairing of bridges; the regulation of markets, hackney coaches, and public carriages; the laying down of rules for preserving the public health and convenience, &c. The money required for these purposes is raised by levying *rates*. Every person who is not exempted by extreme poverty, or some privileges, which I need not particularize, is *rated* according to the value of the premises which he occupies. The sum required for the rate is estimated, and each person liable is called upon to pay his portion; when you hear, therefore, of a poor, or any other, rate of one shilling in the pound, it means that for every pound at which a person is rated, according to the value of his house or property, he has to pay that sum.

The general business of the county as a whole is managed by the Council, the more purely local business is managed by the *parishes* and *municipal corporations*.

The *constable* was formerly the chief man in the parish, for then the parish was responsible for all robberies committed within its limits if the thieves were not apprehended. It was, therefore, the interest of the community to elect to this office the person who was most competent to prevent the commission of crime. But this state of things has long passed away; the parish may no longer be called upon to restore the value of stolen goods; and although constables are in some few instances still appointed, their duties are almost entirely performed by the county police.

As a rule the police are controlled by the local authorities, under the actual but seldom asserted authority of the Home Secretary. In London, however, the authority of the Home Secretary is more intimate and conspicuous, for in a general

way the peace of the capital means the peace of the country.

The policeman is the most familiar representative of law and order, and as such is in the forefront of the battle with crime and turbulence. To the uneducated and simple he is the law personified, with his actions dictated merely by his own caprice. It is natural, but unfortunate, that such opinions should be held by the criminal classes and their allies, but such has been the case ever since police existed in fact as well as in name. For police is as old as law, and law is as old as civilization; and under every form of government conceivable the law must have its officers. Were not the policeman appointed for the duty the preservation of the peace and carrying out of the law would have to be shared by every member of the community; and that this responsibility rests with the people at large is shown by what happens when the police are considered insufficient to cope with any sudden danger. Then *Special Constables* are sworn in to strengthen the ranks of the law's ordinary representatives. And even more clearly is it shown in the very old and still existing legal obligation of every Englishman to help the police whenever called upon to do so.

When the religion of this country was Roman Catholic, costly ornaments, and very often large sums of money, were kept in the parish churches, and men of character were therefore required to take charge of them, and to stand between the ignorant country people and their clergy, who monopolized all the learning of that time, and often sought to encroach upon the rights of their fellow-subjects. *Churchwardens* were therefore appointed by the Synod of London in the year 1127, and continue to this day to be elected, to see that the parson does his duty, and to exercise authority over the building of the church and the performance of its services. Two churchwardens are generally appointed annually, the one by the rector, vicar, or incumbent, the other by the parishioners.

The parish is bound to maintain the highways which pass through it in good order, and for this purpose *surveyors of highways*, or, as they were anciently called, *waywardens*, formerly elected by the parishioners and held office for one year. Subsequently, Highway Boards were established and highway districts formed, but, by an Act passed in 1878

highway districts may be made coincident in area with rural sanitary districts. The waywardens may be discharged, and a district surveyor of highways appointed in their stead, whilst the functions of the highway boards are performed by the rural sanitary authorities. By the Act of 1888 all the powers and duties of the highway authorities in relation to the repair, improvement, and maintenance of main roads was transferred to the County Councils, except in such cases as the existing authority claimed to retain its powers.

A *vestry* is a body of the ratepayers of a parish elected to conduct and regulate its business, including the appointment of its officers. When it is elected by the ratepayers at large it is called a *general* vestry; if (as is more frequently the case) its members select their own colleagues and successors, it is called a *select* vestry.

The maintenance of its poor is the most important duty of the parish, and as this is a subject upon which you ought to be informed, I will give you a brief sketch of the origin and progress of the laws relating to it.

Previously to the dissolution of the monasteries, the maintenance and relief of the poor were secured by the great religious houses: their endowments being required, in most cases, by the charters of foundation, and in all, by the statute of Carlisle (Ed. I. A.D. 1306), to be expended to the honour of God and in support of His poor. When these institutions were suppressed, and their property distributed among the monarch's courtiers, the helpless and indigent, the aged and the young, were at once deprived of all provision. The greedy rapacity of the king's attendants, and the absorbing controversies of religion, were not favourable to the discovery or the adoption of any substitute for the funds so disposed of. All that the authorities of that time devised were severe and stringent measures directed against the numerous mendicants by whom the country began to be infested. Vagrancy and begging were made punishable by whipping, the stocks, the pillory, imprisonment, and death; and the executions of "sturdy beggars," as they were termed, increased year by year, until in the last years of Henry VIII.'s reign, no fewer than 38,000 persons were put to death for this species of offence! The same repressive system followed under the subsequent sovereigns, until, the power of Queen Elizabeth having been firmly established,

towards the latter part of her reign the foundations of a new system were laid. This was done by an Act passed in the 43rd year of that queen. Its principal provisions were, that a fund or stock should be raised in each parish, out of which such poor persons as were able to labour should be set to work, and the feeble should be helped and maintained. The churchwardens were appointed, together with three or four more persons of substance, *Overseers of the Poor.* The operation of the statute was found beneficial; and the lawlessness and violence, which had not been suppressed by barbarous enactments, disappeared by degrees. Gradually an entirely new code of legislation arose, as experience developed the benefits and the disadvantages of the system; and its ramifications embraced the support of the indigent, as well as the adjustment of the liabilities of the contributors. Thus, in the time of Charles II. the parish, which had enjoyed the benefit of a man's residence as a contributor to the parish rates, or as a labourer when he was able to support himself, was bound to maintain him when in distress, in preference to that where he might become in want. Hence arose what is called *the law of settlement.* The contribution itself was called the poor-rate, and the contributors ratepayers. The ratepayers had not the power of electing the overseers of the poor directly, these officers being nominated by justices of the peace. In many parishes the overseers of the poor were assisted, and sometimes controlled, by a select vestry.

In the course of nearly three centuries some abuses of greater or less magnitude could not but be expected to grow around the system. The chief source of these was alleged to arise from the administrators of the rate being appointed by others than the ratepayers, and the great evil apprehended was that a class of persons receiving relief, habitually and as the ordinary rule, were growing up under this system, and that to be a *pauper* (as the receivers of relief are called) was becoming a recognized and actual condition, or state, in the ranks of social life.

This general feeling, assisted by many matters of minor character, led to the enactment in the 5th and 6th years of William IV., of what is called a *test* for pauperism (a somewhat different thing from poverty, but which may be described as that state of destitution requiring to be relieved

out of the poor-rate), by requiring that no relief should be given to any person whatever, except in the workhouse; but as many of the parishes in this country are so small as not to need or possess a workhouse, in order to apply this test several parishes were by the Act joined together for the purpose of supporting such an establishment in common. These parishes thus joined together were called *Unions*, and for their government, and for the performance of a great number, but not all, of the powers of the overseers of the poor, a number of persons, called *Guardians of the Poor*, were constituted a Board. These are elected by the ratepayers annually in each parish of the Union.

All those who stand in need of relief, and apply for it, are entitled to be relieved in the parish (or union) in which they happen to be, or to which they are chargeable. If settled there they constitute its *settled* poor; if not settled there, they are termed its *casual* poor.

In addition to the *Guardians* there are in each parish *Overseers* appointed by the justices, who are empowered to grant prompt relief in cases of pressing emergency, and whose duty it is to make and collect the rates. Neither the *guardians* nor the *overseers* are paid, but a paid *assistant overseer* is appointed in certain cases by the guardians. The office of overseer is compulsory, and women are eligible for the office.

The old Poor Law Board of the Government is now abolished, and the central supervision over local authorities which it formerly exercised is transferred to the Local Government Board.

The Local Government Board consists of a President, appointed by the Queen, and the following *ex officio* members:—The Lord President of the Council, the Lord Privy Seal, the Chancellor of the Exchequer, and the principal Secretaries of State. The Board, it will be seen, is a political body, and changes with the Government.

The country is divided for the purposes of local government into counties, which are in turn divided into parishes and into districts, which are created by special Acts of Parliament. Several parishes are sometimes joined together to form one district; and, on the other hand, a large parish is frequently divided into a number of districts.

In 1875 the Public Health Act was passed for consolidat-

ing and amending existing law, and England was divided for the purposes of that Act into—1. Urban sanitary districts, and 2. Rural sanitary districts; and these districts are respectively made subject to the jurisdiction of the local authority, such as the "Town Council," "Local Board," or "Board of Guardians," who are invested with the powers of administering the provisions of the Act.

The Local Government Board chiefly concerns itself with the administration of this Act and of the Poor Law. The experience of a quarter of a century has modified the rigorous theory of the Amendment Act, and now a plan of administering relief in two modes—inside the workhouse and at the residence of the pauper (called out-door relief)—is permitted.

It may be added, that the Legislature has provided remedies for a parish or union which may consider itself aggrieved, and for a ratepayer in the same position. Against improper charges an additional remedy is provided by the appointment of an officer called a "Poor Law Auditor," whose duty it is to check every account in connection with the poor rate and its expenditure, and who has power to disallow any item not justified by law.

I now come to the *Municipal Corporations*. In the year 1833, a Royal Commission was appointed to inquire into their state, and it being reported that they had degenerated into great inefficiency and corruption, an Act of Parliament was passed, by which most of the then existing Corporations were dissolved, and replaced by a municipal body consisting of mayor, aldermen, and burgesses. This Act is known as the "Municipal Corporations Act," and has been amended by several Acts of later date.

All persons of full age, not aliens, and who have not received within the preceding twelve months parochial relief or other alms, and who on the 15th day of July in any year shall have occupied any house, warehouse, counting-house, shop, or other building within the borough, during the whole of the preceding twelve months; and during such occupation have resided within the borough, or within seven miles thereof, and have during such time been rated in respect of such premises to all rates for relief of the poor, and have paid on or before the 20th of July in such year all such poor and borough rates in respect of the same premises, as have been payable up to

the preceding 5th of January, are entitled to be enrolled on the list of burgesses. The borough is divided into *wards*, or districts, and by the burgesses in every ward the *Common Councillors* are elected. The number of councillors is fixed by the Act for each borough, and one-third of them go out of office every year. The councillors elect *Aldermen*, whose number is one-third of their own. Thus is formed the *Town Council*, which elects the *Mayor*, whose business it is to preside over it. He holds office for only one year, but may be re-elected. Half the aldermen go out of office every third year, but may be re-elected. The town council levy the borough rates. Women are entitled to vote at the election of "councillors," "auditors," and "assessors."

In many populous towns not incorporated, commissioners and boards, such as Local Boards of Health, Improvement Commissioners, &c., &c., are elected by the ratepayers, under the authority of Parliament, to conduct useful works, and to manage the local business.

LETTER X.

FOREIGN AFFAIRS.

The Secretary of State for Foreign Affairs—His Responsibility—The Under-Secretaries—The Service—The Staff and its Duties—The Consular Service—Its Origin—Peculiar Jurisdiction in Turkey—Capitulations—International or Mixed Tribunals—Consular Courts—Jurisdiction in China and Japan—Duties of Consuls—Their Pay and Emoluments.

THE Secretary of State for Foreign Affairs is one of the most important members of the Ministry. He is the official mouthpiece of the Cabinet in its management of international negotiations, and to his vigilant care the most vital interests of the country are entrusted. The slightest want of discretion on his part might at any time involve us in war.

His ordinary duties consist in protecting British subjects who are travelling or resident abroad, and obtaining satisfaction for the injuries they may have sustained from foreign powers; in introducing to his Sovereign the representatives of other Governments, redressing their grievances, and maintaining their privileges undiminished; in informing other Governments of such acts of his own Government as may concern them; and in cultivating friendly relations with Foreign States generally. He chooses all the ambassadors, ministers, and consuls accredited by us to Courts abroad, although special ambassadors for special purposes are only appointed subject to the approval of the Cabinet.

"Less of the work of the Foreign Office," says Mr. Traill, "than of any other great department of the State is performed by subordinate officials. It is not considered safe to allow any decision to be taken in the Foreign Office (except possibly

upon matters of mere routine) without the knowledge and assent of the Secretary of State. Further, no important political instruction is sent to any British Minister abroad, and no note addressed to any foreign diplomatic agent, without the draft of such instruction or note being first submitted to the Prime Minister that he may take the pleasure of the Sovereign thereon; and the neglect of this constitutional formality led in one well-known instance to the dismissal of the offending Minister."

On the other hand, the Foreign Minister's responsibility to Parliament is ensured by his having to lay before the House the correspondence which passes between him and the Ministers of Foreign States or our representatives accredited thereto. On this correspondence it is open to any member to move a vote of censure, which, if carried, would result in the resignation of the Minister, or perhaps of the Government of which he is a member. This is, however, the only Parliamentary check on his proceedings, and it necessarily acts too late to prevent the country being committed to a definite course of policy, for during the progress of negotiations it would be highly inconvenient and unwise for the matter to be publicly debated. The Foreign Minister has thus a free hand in such intricate diplomacy as the delicate relations of Continental Powers seem to render necessary, the interests of the country being guarded by the inevitable criticism when the papers are produced—which papers it may be as well to say afford as a rule very little information as to what has really been agreed upon. It is imperative, therefore, for the country to have full confidence in his discretion.

When the Foreign Secretary is a peer, his responsibility to Parliament is secured by the presence of his Under-Secretary in the House of Commons.

But the chief assistant, the real working head of the Office, through whom all the business passes, is the Permanent Under-Secretary, who holds his position unaffected by any change of Ministry, and thus preserves that continuity of policy in dealing with Foreign States which otherwise would be difficult.

The business of the Foreign Office may be divided into the *Diplomatic* and the *Consular*.

Diplomatic Agents are divided by an Article annexed to the Treaty of Vienna into three classes—

1. Ambassadors. To this class belong Legates, or Nuncios, as envoys from the Pope are called.
2. Envoys, Ministers, or other persons accredited to Sovereigns.
3. Chargés d'Affaires, accredited to Ministers for Foreign Affairs.

Ambassadors, Legates, and Nuncios only have the representative character—*i.e.*, represent the *person* of their Sovereign. Other diplomatic agents represent his Government.

The subordinate members of our Diplomatic Service are—Secretaries of Embassy, Secretaries of Legation, Commercial Attachés, Second Secretaries, and Attachés.

The Secretaries of Embassy and Secretaries of Legation hold the same position with regard to the chief of the mission, as the Under-Secretary of State in the Foreign Office holds with regard to the Secretary of State. All the public business of the Office passes through his hands, and is carried on under his superintendence. Commercial Attachés rank next after Secretaries of Embassy, but at present there are only two of them, one at Paris and the other at St. Petersburg. Next in rank are the Second Secretaries, of whom there are at present thirty-four, and who, like the Third Secretaries and Attachés, are appointed to serve both at Embassies and Missions, the Second Secretary being responsible for the correct performance of the work and the keeping of the accounts. The Attachés are the junior members of the Service. When a vacancy occurs in their ranks, the Secretary of State nominates several candidates, who are examined in ten subjects before the Civil Service Commissioners, and the one who does best is directed to report himself at the Foreign Office, where for six months he works without pay with the other clerks so as to obtain some notion of official routine; he is then appointed to some embassy or mission abroad, where he works in the Chancery—as the office of the embassy is called—but receives no pay until after two years from the date of his Civil Service certificate, when, if he has had no leave of absence, and the head of his mission reports his conduct to have been satisfactory, and that he speaks French and one other foreign language well, he receives his commission as Third Secretary, and becomes a recognized member of the Diplomatic Service.

It is not necessary that Ambassadors and Ministers should

be selected from the lower grades, but most of our principal diplomatists have passed through several of them.

The right of sending and receiving diplomatic agents belongs to all those States which may treat with Foreign Powers in their own name. No State is obliged to receive a diplomatic agent, or to permit him to reside at its Court, unless, indeed, it has bound itself by treaty to do so. A Sovereign or other ruler may be willing to receive a diplomatic mission, but object to the particular person selected as its chief.

It rests with each State to decide what rank its representatives at a foreign Court shall hold; but it is customary to send them of the same rank and number as those received.

The same person may be, and often is, accredited to several courts at once.

Before an ambassador, &c., can enter into the discharge of his functions, he must produce his *letters of credence*, written by the Sovereign (or Minister, if the agent be of the third rank) who sends him, to the Sovereign (or Minister) who is to receive him. He is then received in audience, more or less ceremoniously according to his rank, and presents a document stating the degree of authority with which he is invested. He may be accredited to represent the general interest of his country, to negotiate some particular affair, or to perform some act of ceremony or courtesy, such as investing a prince with the Order of the Garter or representing his Sovereign at a royal marriage.

By a fiction of international law, Ministers (under which term I include diplomatic agents of the first and second class) are supposed to carry their country with them, and their house is considered as beyond the territory of the State to which they are accredited. And this privilege extends to their retinue and servants, their houses and other property. Thus, they are exempted from the civil jurisdiction of the foreign country, and are not even amenable to its criminal law, unless the offence be against the State itself. They are free from all personal imposts, but if they choose to acquire property which is not necessary for the discharge of their public duties, it is subject to the taxation sanctioned by law. The wife of a Minister participates in the immunities enjoyed by her husband.

The retinue or staff of a British embassy of the present day—that of Paris, for example—consists of the following officers:—

Secretary of embassy, military attaché, naval ditto, two second secretaries, attaché (who is also consul), three third secretaries, two attachés, registrar and librarian, private secretary, chaplain, and physician.

All these, except the private secretary, are appointed by the Secretary of State for Foreign Affairs, and are under the control of the Foreign Office in London.

We have at present embassies at Berlin, Paris, St. Petersburg, Vienna, Constantinople, and Rome; missions at Brussels, Madrid, Lisbon, Stockholm, The Hague, Copenhagen, Washington, Pekin, Teheran, Rio de Janeiro, Athens, Belgrade, Tokio, Bucharest, Tangier, Berne, and Buenos Ayres. We have also Ministers resident at Stuttgardt, Bangkok, Lima, Quito, Santiago, Caracas, Monte Video, Guatemala, and Bogotá.

When an ambassador or minister quits his post on leave of absence or special service, it is usual to nominate the secretary of embassy or legation as chargé d'affaires. We have chargés d'affaires at the head of the diplomatic corps at Darmstadt, Cettinje, and Munich.

All diplomatic agents correspond directly with the Secretary of State for Foreign Affairs, and receive the orders of the Crown from that Minister. Their duties are to keep their Government constantly informed upon all political subjects, to negotiate treaties, and to watch over the interests of British subjects established or travelling abroad. I am afraid our Ministers have a good deal to bear from some of the latter class, who forget, or do not know, that the moment they set their foot on the shore of a foreign country they are amenable to its laws, and must respect its customs and prejudices. There is hardly a gentleman who has served in an embassy or mission who could not give instances of angry Britons demanding vengeance at their Minister's hands against some foreigner in his own country, for having done something which the complainant thought contrary to *English* law. It is also very generally supposed that a British ambassador can and ought to interfere with the action of foreign officials and courts of law, and demand the reversal of judgments given by inferior tribunals,

when they appear unjust to his countrymen. It never seems to strike the angry Briton what *he* would feel if (for example) the French Ambassador were to attempt in London what he wishes his own representative to do in Paris or elsewhese.

The CONSULAR SERVICE is subordinate to the Diplomatic Service. Its principal object is the protection and promotion of the commercial interests of our country. It consists of the following ranks:—

1, Agents and consuls-general; 2, consuls-general; 3, consuls; 4, vice-consuls; 5, consular agents; 6, pro-consuls.

The appointment of agent and consul-general is semi-diplomatic. At present three such appointments exist—at Cairo, Sofia, and Zanzibar. We have 37 consuls-general in various parts of the world, 149 consuls, 482 vice-consuls, and 51 consular agents.

Members of the consular service, from consuls upward, hold their commission from the Crown, and are under the orders of the Secretary of State for Foreign Affairs. They are in all respects subordinate to the British diplomatic agent in the country where they reside. Vice-consuls and consular agents are officers appointed to act under the authority and superintendence of consuls, by whom they are in some cases nominated. In the Turkish Empire there are a few vice-consuls who hold a Royal Commission, in order to enable them to exercise a jurisdiction which will be presently mentioned.

The office of consul appears to have originated in Italy about the middle of the twelfth century. Soon after this the French and other Christian nations trading to the Levant began to stipulate for liberty to appoint consuls to reside in the ports frequented by ships, that they might watch over the interests of their subjects, and judge and determine such differences with respect to commercial affairs as arose amongst them. The practice was gradually extended to other countries, and in the sixteenth century was generally established all over Europe.

Officially speaking, there is no difference between consular officers of the same rank, but practically a vice-consul in the East is a more important personage than a consul-general in Europe or the Americas. In the Turkish Empire, and China especially, our consuls hold a very high position, for

there they possess an important civil and criminal jurisdiction over their fellow-countrymen.

In Turkey this jurisdiction is founded on the Capitulations or Treaties made with the Sublime Porte—as the Government of the Sultan is termed in the language of diplomacy—under which it resigned its sovereign right of subjecting all foreigners to its laws.

The privileges granted by the Capitulations are insignificant in comparison with the rights which, by *custom*, foreigners have been permitted to acquire; and in some parts of the Turkish Empire (especially in Egypt) they have become independent of the local authority, all proceedings civil or criminal between or against them being decided by their own consul, according to the law of their own country. In Constantinople, and some other parts of Turkey in Europe, the terms of the Capitulations are more closely followed.

In Egypt, however, mainly owing to the great development of her international relations which followed upon the opening of the Suez Canal, it was found that judicial powers granted under the Capitulations were not sufficient for the purpose for which they were originally intended, which was to effectively secure foreigners from arbitrary violence and exaction upon the part of the local authority; more especially were they found to be defective in those cases, both civil and criminal, where the foreigner came into collision with the law of the country. Accordingly an *International or Mixed Tribunal* is now appointed, under the provisions of a special treaty for a period of five years, in substitution for the Egyptian Consular Courts, as far as regards their civil jurisdiction. There are three tribunals of first instance, each consisting of eight judges (of whom five are foreign and three native), sitting at Alexandria, Cairo, and Mansourah. These tribunals have exclusive civil jurisdiction in all cases between foreigners, or between foreigners and natives. These Courts have criminal jurisdiction only so far as it is necessary to protect their own judges and officers in the execution of their duties. The foreign judges are appointed by the Egyptian Government at the request and on the nomination of the foreign Governments respectively. There is a body of native public prosecutors attached to these Courts, acting under the supervision of the Khedive's Attorney-General,

who is also a foreigner recommended and appointed in a manner similar to the foreign judges. These Courts exercise their jurisdiction in two principal divisions, termed the Civil and Commercial. The full Court is composed of five members, of whom three must be European and two native judges. There is also a Small Causes Court and a Landed Estates Court, each presided over by one European judge. A Court of Appeal is also constituted, which sits at Alexandria, and consists of eleven judges, of whom four are native and seven foreign. England is represented by one judge of the Court of Appeal, and by two judges of first instance. The procedure is based on the French law, and the proceedings are conducted in French and Italian; but Arabic is also a recognized judicial language.

Under the Capitulations judicial powers are granted to Ambassadors, Ministers, and Consuls, but so far as we are concerned they are vested in the latter, and in order to guide and restrain these in the exercise of such difficult duties a tribunal was established in Constantinople in the year 1861, called the *Supreme Consular Court of the Levant.* This Court, whose judge is an English barrister, has an original and concurrent jurisdiction all over the Turkish dominions, and is the immediate Court of Appeal from all Consular judgments, except those of the Egyptian Courts. A further appeal lies from its decisions to our Sovereign in Council.

The same Order in Council which established the Supreme Consular Court provided for the formation of Consular Courts presided over by barristers under the title of *Legal Vice-Consuls*, in places where the magnitude and number of suits made it difficult for a consul without legal education to act; and such Courts were instituted at Smyrna and in Egypt, but the former has been abolished.

The Supreme Consular Court of the Levant has power to award a sentence of two years' imprisonment, and a fine up to £500 in criminal cases. A legal vice-consul may order a term of two years, or a fine of £200, and an ordinary consul one year and £100.

The consular jurisdiction in civil suits is unlimited, and these may be tried before a jury in the Supreme Court, and in a Court presided over by a legal vice-consul, if either of the parties desire or the judge order it to be so heard.

A jurisdiction similar to that enjoyed in Turkey has been conceded by treaty to consuls in China and Japan, and a Supreme Court for the countries established in Shanghai. The ordinary duties of our consuls are to register the births and deaths of British subjects, to perform marriages (under a special Act of Parliament), to administer oaths and declarations, to attest protests and other notarial acts, to witness the discharge and engagement of seamen, to relieve and forward to their country British subjects in distress, to manage the affairs of the church where there is one, to report every year upon the commerce of their port, to settle (as far as they can) all disputes between their countrymen and to advise them in cases of difficulty, to see that treaty obligations respecting trade and navigation are properly kept, to assist ships in cases of wreck or casualty, and generally to watch over British interests. They correspond directly with the Secretary of State for Foreign Affairs, but in all important cases send a duplicate of their despatches to the Diplomatic Agent resident in the countries where they serve, to whom, when they cannot settle any question with the local authority, they refer it.

A consul cannot enter upon his duties until he has received what is called his *exequatur*, a document in which the Government of the country in which he is to serve approves his appointment. This exequatur may be withdrawn.

Formerly, consuls were permitted to trade, but in the appointments of recent years this has been prohibited. They also had as part of their emoluments the fees they charged for notarial and other acts; but this, too, has been changed, and all fees are now paid into the Treasury, except in a very few cases of consuls who were appointed before the change was made.

There is no fixed rate of pay and emolument in the Diplomatic and Consular Services. The amount varies in proportion to the importance of the post and the expense of living. Some are unpaid.

Vice-consuls act under the direction of consuls, to assist them either at their own port or at other places within the consular district. Many of these are foreigners, and are engaged in trade. Others, however, are salaried members of the service, in which they hold the lowest rank. In the consular service one candidate only is nominated for the

appointment, and if he passes his qualifying examination he is at once sent off to his post. Below the vice-consuls come the consular agents, who are residents in the district, fulfilling consular duties without pay on account of the importance amongst their townsmen that the rank gives them. Below the consular agent is the pro-consul, who simply acts as notary, and is usually the consul's clerk.

LETTER XI.

OUR COLONIES AND DEPENDENCIES.

Crown Colonies—Colonies by Settlement—Power of the Crown—List of British Colonies—Their Government—The Channel Islands and the Isle of Man—India—The Secretary of State for India—The Council for India—Parliamentary Control—The Governor-General—Provinces—Districts—Protected States—Indian Languages—The British Empire.

THE Secretary of State for the Colonies is equal in rank to the other Secretaries of State, but the appointment has been generally held by a politician of less exalted reputation. The post, which was only separated from the Secretariat for War in 1854, is, however, one of increasing importance, owing to the extraordinary development with which our colonies have been favoured.

If a stranger unacquainted with history were shown a map of the world, and desired to guess which were its great Powers, he would certainly not pick out those little islands marked *Great Britain* as forming one of them. But if on that map our colonies were marked in some distinctive colour, any surprise he might feel at being told that such was indeed the fact would vanish. Those specks near the coast of France are the cradle in which a giant was reared—the mainspring which works an empire in comparison with which that of the Cæsars was poor and limited. We have committed many faults and follies, and much yet remains to be done before our colonial system can be said to be satisfactory, but still it is difficult to indicate any nation that has succeeded better than we have, when the wide differences of race, character, and climate are taken into consideration.

The word *colony* is commonly applied to those islands and districts which a nation acquires beyond the limits of its

ordinary territory—which in distinction is called *the Mother Country*—but more strictly speaking it is the society of people who inhabit those places, and not the places themselves. It may be used to mean both people *and* place, and in this sense I shall employ it.

There are three ways by which a colony may be acquired —by *settlement*, by *conquest*, and by *bargain;* under which latter head I include *treaty* and *capitulation.*

To form a colony by settlement the place must not be within the limits of any recognized state. For example—no colony could be established on part of the Russian or Brazilian coast, however far from civilization the spot might be. It is not necessary that the place should be discovered by the settlers. Possession—by which I mean possession peacefully gained (except as against savages)—is ten parts of the law in this respect. The expressions *conquest* and *bargain* explain themselves.

In a colony by settlement the common law of England prevails, but the statute law—except such Acts of Parliament as have been passed expressly for colonial government —does not apply.

It rests entirely with the Crown to grant a constitution to a colony, and until it be granted the Sovereign's authority therein is absolute; but the Colonial Minister is responsible to Parliament for the manner in which it is exercised.

Malta, Gibraltar, and some other naval and military stations remain *Crown Colonies—i.e.*, colonies in which the Crown has the entire control of the legislation, while the administration is carried on by public officers under the control of the Home Government. The rest have constitutions and representative government, more or less popular. These may be divided into two classes:—1. Colonies possessing Representative Institutions and Responsible Government, in which the Crown has no more than a veto on legislation, but the Home Government *retains the control* of public offices. 2. Colonies possessing Representative Institutions and Responsible Government, in which the Crown has only a veto on legislation, and the Home Government has *no control* over any public officer except the Governor.

The responsibility of the Colonial Office is therefore at its greatest with regard to the first of these classes, and at its least with regard to the last. And even in the first class

there are degrees of the benevolent despotism. In Heligoland, Gibraltar, and St. Helena, for example, the Governor is left to legislate unaided. In Jamaica, Malta, the Gold Coast, and Ceylon the Governor is assisted by a Council nominated by the Crown.

In the colonies having representative institutions, either with or without responsible government, the constitutions differ greatly, as detailed in the list herein given. Some of the West India Islands, for instance, have a Council nominated by the Crown and an Elective Assembly. Other colonies, such as Natal, have only one Council, and that is partly nominated by the Crown and partly elective; others, such as Cape Colony and New South Wales, have an Upper Chamber nominated by the Crown, and a Lower Chamber elected by the people; others, such as Victoria and South Australia, have two Chambers, and both of them are elective.

The possession by the colony of responsible government, as well as representative institutions, saves the Colonial Secretary a considerable amount of trouble. In such colonies the Governor appoints the members of the Executive Council in accordance with the views of the political party holding the majority in the Legislature, and all the other public officers are appointed by the Governor in accordance with the views of his council. For these appointments the sanction of the Home Government is not required, and thus the colonists practically choose their own rulers and have themselves to thank if they make mistakes.

But even with regard to such colonies the Colonial Secretary has much to do. Difficulties are constantly occurring with native survivors and neighbouring foreigners, necessitating much careful consideration and inquiry, and the whole of the legislation effected by the Colonial Chambers has to secure the approval of the Home Government. The Crown possesses a veto upon every legislative measure passed in any of the colonies. To give this effect the Governor is instructed to exercise his discretion with regard to all Acts submitted to him, and until he gives his consent, as the representative of the Crown, no law is valid. Sometimes laws are passed with "suspending clauses," that is, that the laws, although they have received the Governor's assent, are not intended to come into operation until they have been specially confirmed by the Sovereign; but unless the law contains

some such suspending clause, the Governor's assent makes it binding.

Notwithstanding this assent the Crown still retains its power to disallow the law, and the fact of such disallowance has only to be published in the Colony at any subsequent date to make the law a dead letter. The Colonial Secretary has thus to act as a Court of Appeal with regard to the legal matters that come before him, and to assist him in his labours, every legislative Act of every one of the colonies is forwarded to him as soon as complete, accompanied by a statement from the law officer of the Crown in such colony as to the advisability of assenting to it. And with the law officer's statement there is also sent a report from the Governor explaining the object of the Act, the matter that gave rise to it, and the legal or political questions the alteration of the law involves.

In such colonies as possess representative assemblies the laws are sometimes held to be made by the Queen, sometimes by the Governor on the Queen's behalf, sometimes by the Governor alone—in all three cases the Sovereign or the Sovereign's representative acting with the advice and consent of the people's representatives. Laws so made are known as Acts; in colonies without representative institutions the laws are known as Ordinances, and are held to be made by the Governor with the advice and consent of his Council.

The Colonial Office, as may be imagined, does much miscellaneous work. One of the most practically useful of its minor branches is the Emigrants' Information Office, at 31 Broadway, Westminster, where intending emigrants can obtain without charge useful and trustworthy information and advice as to where they are likely to do best, and the cost and easiest method of reaching their chosen home.

The colonies and dependencies are now arranged in forty administrative divisions for the purpose of government, and I will state shortly how these are governed.

ADEN, a peninsula and town on the south coast of Arabia, is an important military and coaling station. It is strongly fortified, and is under the administration of the Government of Bombay.

ALDEBRA ISLANDS, AMIRANTE ISLANDS, AMSTERDAM ISLAND, ASSUMPTION ISLAND, all in the Indian Ocean. *See* Mauritius.

ANGUILLA is an island near St. Christopher's, and is a dependency of it.

ANTIGUA. *See* Leeward Islands.

ASHMORE ISLANDS, THE, are in the Indian Ocean. *See* Mauritius.

AUCKLAND ISLANDS. *See* New Zealand.

AUSTRALIA, SOUTH.—The constitution of this colony was remodelled in 1856, and the Government is now administered by the Governor and an Executive Council of six members, who constitute the responsible Ministry, and are required to be members of Parliament—viz., Chief Secretary, Attorney-General, Treasurer, Commissioner of Crown Lands and Immigration, Commissioner of Public Works, and Minister of Education. The Parliament consists of a Legislative Council and an Assembly. The Legislative Council consists of eighteen members, elected by the inhabitants of the colony legally qualified to vote; one-third retiring by rotation every three years, and six new members being elected to the vacancies so created. The House of Assembly consists of forty-six members, elected by the inhabitants of twenty-two districts of the colony for three years. Any person qualified to vote in or for any electoral district is qualified and entitled to be elected a member of Assembly. Aliens are not eligible until after a residence of five years. Every natural born or naturalized subject of full age who has been registered and been for six months upon the electoral roll of any district is qualified to vote in the election of members of Assembly.

AUSTRALIA, WEST.—The Government is administered by a Governor appointed in the usual manner by the Crown, who is assisted by an Executive Council of six members, five official and one unofficial. There is a Legislative Council of twenty-six members. Four are official, five are nominated, and seventeen are elected by the people for three years, and are eligible for re-election at the end of that period.

BAHAMA ISLANDS.—Legislature composed of the Governor, a Legislative Council of nine members, and a House of Assembly of twenty-nine members. The Governor is assisted by an Executive Council of nine members.

BARBADOS.—Legislature composed of the Governor, a Legislative Council of nine members nominated by the Crown, and a House of Assembly, composed of twenty-four members elected annually.

BARBUDA is an island near Antigua, and is a dependency of it.

BASUTOLAND lies to the north-east of Cape Colony. It is governed by a Resident Commissioner under the direction of the High Commissioner for South Africa, who possesses the legislative authority.

BAUMAN ISLAND. *See* Western Pacific.

BECHUANALAND, north of Cape Colony, is governed by an Administrator under the High Commissioner for South Africa.

BELL CAY. *See* Western Pacific.

BERMUDA.—A group of a hundred islands in the Atlantic Ocean. Legislature composed of the Governor and a Privy Council of nine members appointed by the Crown, and a House of Assembly of thirty-six members, four from each of the nine parishes, elected by freeholders only.

BIRD ISLAND. *See* Tasmania.

BRAMBLE CAY. *See* Western Pacific.

BRITISH GUIANA, in the north of South America, consists of the united colonies of Demerara, Essequibo, and Berbice. Government: A Governor, a Court of Policy of four official and five elective members, in which the Governor has two votes; and for levying the taxes, a Combined Court, consisting of the Governor, the members of the Court of Policy, and six Financial Representatives.

BRITISH NORTH BORNEO extends from Sipitong on the western coast of that island to the Siboko river, and includes all the islands within three leagues of the coast. It is administered by a Governor and Council. The capital is Sandakam.

CAICOS ISLANDS. *See* Turks Islands.

CANADA (THE DOMINION OF), comprising the provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, Prince Edward Island, Manitoba, and British Columbia (including Vancouver Island), and the North-West Territories, is the whole of British North America except Newfoundland and Labrador. The Executive Government is vested in the Crown, which appoints the Governor-General. The Governor-General is assisted by a Council, the members of which are sworn in as Privy Councillors. The legislative power is vested in a Parliament, consisting of the Governor-General, an Upper House, called the Senate, consisting of seventy-eight members, appointed by the Crown for life, and a

House of Commons of two hundred and fifteen members, elected by ballot every five years should no dissolution intervene. A Lieutenant-Governor is appointed by the Crown for each province.

Ontario has an Executive Council of six members, appointed by the Crown, who hold office so long as they are the Ministry of the province, and a Legislature, consisting of the Lieutenant-Governor and a Legislative Assembly composed of ninety members elected every four years at longest.

Quebec has a Legislative Council of twenty-four members, appointed by the Crown for life, and a Legislative Assembly of sixty-five members elected every five years at longest.

Nova Scotia has an Executive Council, a Legislative Council of twenty-one members, and a Legislative Assembly of thirty-eight members.

New Brunswick.—An Executive Council, a Legislative Council of eighteen members, and an elective Assembly of forty-one members.

Manitoba.—An Executive Council of five members and a Legislative Assembly of thirty-five members.

British Columbia.—An Executive Council and a Legislative Assembly of twenty-five members.

Prince Edward Island.—An Executive Council, a Legislative Council of thirteen members, and a Legislative Assembly of thirty members, both elected by the people.

North-West Territories.—A Lieutenant-Governor, and an Executive Council of twenty members, partly elected and partly appointed by the Privy Council of the Dominion.

Cape Breton Island was formerly a colony by itself, but is now incorporated with Nova Scotia.

CAPE OF GOOD HOPE (including large tracts of native Kaffraria, Basutoland, Fingoland, and Griqualand West).—Government administered by a Parliament composed of the Governor, Legislative Council of twenty-two elected members, and House of Assembly of seventy-four members.

CARGADOS ISLANDS, in the Indian Ocean. *See* Mauritius.

CAROLINE ISLANDS. *See* Western Pacific.

CATO ISLAND. *See* Western Pacific.

CAYMAN ISLANDS. *See* Jamaica.

CEYLON has been a Crown colony since 1801. Its Legislature is composed of the Governor and an Executive Council

of five members, and a Legislative Council of fifteen members, including the members of the Executive Council, the Government Agent of the Western Province, Government Agent of the Central Province, Surveyor-General, Principal Collector of Customs and six unofficial members.

CHAGOS ISLANDS, in the Indian Ocean. *See* Mauritius.

CHATHAM ISLANDS, in the Pacific. *See* New Zealand.

CHRISTMAS ISLAND. *See* Mauritius.

COCOS OR KEELING ISLANDS, in the Bay of Bengal, are a dependency of Ceylon.

COOK ISLANDS. *See* Western Pacific.

CORAL ISLAND. *See* Western Pacific.

CYPRUS, an island in the Levant, is administered by a High Commissioner, who is also the Commander-in-Chief of the Forces, and a Legislative Council of eighteen members, of which six are non-elective members, being office-holders, and twelve are elected members, three chosen by the Mahometan and nine by the non-Mahometan inhabitants. British subjects and foreigners who have resided five years in Cyprus can exercise the franchise.

DEMERARA. *See* British Guiana.

DOMINICA. *See* Leeward Islands.

DUCIE ISLAND. *See* Western Pacific.

DUDOSA ISLAND. *See* Western Pacific.

EAGLE ISLANDS, in the Indian Ocean. *See* Mauritius.

EMERALD ISLAND. *See* New Zealand.

FALKLAND ISLANDS. — Governed by a Governor and Legislative and Executive Council appointed by the Crown. The Governor is assisted by an Executive Council, and a Legislative Council, which includes the Governor and the members of the Executive Council, the Chief Justice, and eight other members, all nominated by the Crown.

FANNING ISLAND. *See* Western Pacific.

FIJI ISLANDS were ceded in 1874. Included in their administration is the Island of Rotumah in 12° 30′ S. lat., 177° 10′ E. long., ceded in 1879. *See* Western Pacific.

FLINT ISLANDS. *See* Western Pacific.

GAMBIA. *See* West African Settlements.

GIBRALTAR is a Crown colony. The Governor, who is also the General commanding the garrison, exercises by himself all the functions of government and legislation.

GLORIOSO ISLANDS, in the Indian Ocean. *See* Mauritius.

GOLD COAST COLONY (comprising British settlements on the Gold Coast and at Lagos).—Governor-in-Chief, with an administrator at Lagos. One Executive and one Legislative Council for the two settlements.

GRENADA.—The same constitution as St. Vincent.

GRIQUALAND WEST is included in Cape Colony.

HELIGOLAND.—Governor appointed by the Crown, aided by an Executive Council.

HERVEY ISLANDS. *See* Western Pacific.

HONDURAS, in Central America, is a Crown colony administered by the officer commanding the troops (subordinate to the Governor of Jamaica), and a Legislative Council of five official and not less than four unofficial members, appointed by the Crown, or provisionally by the Lieutenant-Governor, subject to the Crown's approval. There is also a Privy Council of five officials.

HONG KONG, an island at the mouth of the Canton river, is a Crown colony, with a Governor, and an Executive Council composed of seven members, together with a Legislative Council of twelve members. Under the same administration are Kowloon and the Lema Islands. Its capital is Victoria.

JAMAICA is administered by a Governor, assisted by a Privy Council of eight members and a Legislative Council of nine elected members. The Cayman Islands in 19° N. lat. and 80° W. long., are dependencies of Jamaica.

KEELING or COCOS ISLANDS, in the Bay of Bengal, are a dependency of Ceylon.

KERGUELEN ISLAND is in the Indian Ocean.

KERMADEC ISLANDS are north-east of New Zealand.

KOORIA MOORIA ISLANDS, east-north-east of Aden, are a dependency of that outpost.

KOWLOON is a peninsula opposite Hong Kong, of which colony it is a dependency.

LABRADOR, on the most easterly coast of North America, is a dependency of Newfoundland.

LABUAN is an island off the north-west coast of Borneo. It is administered by a Governor as President, and nominated Legislative Council.

LAGOS is an island and adjacent shore on the western coast of Africa. *See* Gold Coast colony.

LEEWARD ISLANDS, comprising Antigua, Montserrat, St.

Kitts, or St. Christopher, Nevis, Anguilla, Dominica, with their respective dependencies, and the Virgin Islands, were constituted a single Federal colony by an Act passed in the Imperial Parliament in the session of 1871. By this Act the colony of six presidencies is under one General Government. With an Island Government for the separate presidencies, there is an Executive Council appointed by the Crown, and a General Legislative Council composed of nine elective and nine non-elective members. Of the elective members four are taken from the Island Council of Antigua, two from the Legislative Assembly of Dominica, and three from among the unofficial members of the Legislative Council of St. Christopher. The members for Antigua and Dominica are respectively chosen by the elective members of the Island Council from which they are taken, and those for St. Christopher by the non-official members of the Executive Council of St. Christopher, in such manner as such Island Council may from time to time determine. The non-elective members are appointed by the Crown, and comprise a President, the Colonial Secretary, the Attorney-General, and the Auditor-General, and five unofficial members taken from the Island Councils of St. Christopher, Nevis, Montserrat, and the Virgin Islands.

Antigua.—The Constitution consists of a President aided by an Executive Council, the members of which are appointed by the Crown and a Legislative Council consisting of twenty-four members, of which the Colonial Secretary, Attorney General, Auditor-General, and Treasurer are *ex-officio* members, eight members nominated by the Crown, and twelve elected members.

Montserrat.—The Government is administered by a President, who is assisted by an Executive Council appointed by the Crown.

St. Kitts.—A President, with an Executive Council and a Legislative Council consisting of five official and five unofficial members. The members are nominated by the Crown, and the President, the Receiver-General, and Solicitor-General for the Leeward Islands for the time being are *ex officio* members. The unofficial members send three representatives, and the Governor nominates an additional one to the General Legislative Council.

Nevis and *Anguilla* are united to the Presidency of St.

Kitts; and, with their respective dependencies, now form one Presidency, called the Presidency of St. Kitts and Nevis.

Virgin Islands.—A President, Executive Council, and Legislative Council of six, three nominated by the President, and three official. The Governor nominates one representative to the General Council.

Dominica.—President, Executive Council, and Legislative Assembly of seven nominated and seven elected members. The elected members of Dominica send two representatives to the General Council of the Leeward Islands, and the Governor nominates one in addition.

LEMA ISLANDS. *See* Hong Kong.

LITTLE SCRUB ISLAND. *See* Western Pacific.

LORD HOWE'S ISLANDS. *See* New South Wales.

MACDONNELL ISLAND is in the Indian Ocean.

MACQUARIE ISLAND. *See* New Zealand.

MALACCA, on the West Coast of the Malay Peninsula. *See* Straits Settlements.

MALDEN ISLAND. *See* Victoria.

MALDIVE ARCHIPELAGO, south-west of Ceylon, is a dependency of that Crown colony.

MALTA.—The Government is administered by a Governor, who is assisted by an Executive Council consisting of three members, and by a Council of Government, constituted by Letters Patent of 11th of May, 1849, consisting of eighteen members, ten official and eight elected, who are returned by about 2700 electors. The Governor is President. An income of £8 from immovable property, or payment of a rent of £4 per annum, qualifies a person to vote.

MAURITIUS.—Mauritius is a Crown colony. The Government of the island is vested in a Governor, aided by an Executive Council. There is also a Legislative Council, consisting of certain official and non-official members nominated by the Crown. The Seychelles Islands, Rodrigues, Amirantes, Oil Islands, St. Brandon or Cargados Islands, Chagos Islands, Trois Frères or Eagle Islands, Glorioso Islands, Aldebra Islands, Assumption, Amsterdam, St. Paul, and other islands scattered over a vast extent of the Indian Ocean, and containing a total population of about 16,000 inhabitants, are dependencies of Mauritius. These islands are under the control of Civil Commissioners, subordinate to a Chief Civil Commissioner, who receives his instructions from the Governor of Mauritius

MONTSERRAT. *See* Leeward Islands.

NATAL is on the south-east coast of Africa, and is separated from Cape Colony by the Drakensberg Mountains. It is governed by a Lieutenant-Governor, assisted by an Executive Council, composed of the Chief Justice, the Senior Officer in Command of the Troops, the Colonial Secretary, the Treasurer, the Attorney-General, the Secretary for Native Affairs, the Colonial Engineer, and two elected members of the Legislative Council; and a Legislative Council, composed of five official members—viz., the Colonial Secretary, the Treasurer, the Attorney-General, the Secretary for Native Affairs, the Colonial Engineer—two members nominated by the Governor and twenty-three members elected by the counties and boroughs. Two members of the Legislative Council are elected members of the Executive Council. The elected members of the Council hold their seats for four years from date of election, unless the Council is dissolved by the Governor.

NEVIS. *See* Leeward Islands.

NEW BRUNSWICK. *See* Canada.

NEWFOUNDLAND is an island on the north-east side of the Gulf of St. Lawrence. The Government is administered by a Governor, aided by a responsible Executive Council, not to exceed fifteen members, nominated by the Crown, and a House of Assembly of thirty-six members elected every four years at longest.

NEW GUINEA.—The British division of this island contains about 88,000 square miles. It is governed by a Special Commissioner, who has two assistants.

NEW SOUTH WALES.—The Governor is appointed by the Crown; so also is the Legislative Council, consisting of fifty-two members. The Legislative Assembly consists of one hundred and twenty-two members, representing seventy-two electoral districts, elected by ballot. Every male subject of the full age of twenty-one who has resided six months in the district is entitled to vote.

NEW ZEALAND.—The colony of New Zealand consists of three principal islands, called respectively the North, the Middle, and the South or Stewart's Island, and several dependencies, such as the Chatham Islands, the Auckland Islands, and the Kermadec Islands. It is administered by a Governor, a Legislative Council, and a House of Representa-

tives. The Legislative Council consists of fifty-four members. Legislative Councillors hold their seats for life. The House of Representatives now consists of ninety-five, including four Maori members representing the natives. The members of both branches of the Legislature receive £210 each for every session, to cover the expenses of their attendance.

NIGER PROTECTORATE, THE, extends along the African west coast from Benin River to River del Rey, and includes the basins of the Lower Niger and Beniné. It is governed by British Consuls, though nominally under native rule.

NIGHTINGALE ISLANDS. *See* Tristan D'Acunha.

NORFOLK ISLAND. *See* New South Wales.

NOVA SCOTIA. *See* Canada.

PACIFIC ISLANDS. *See* Western Pacific.

PAHANG. *See* Straits Settlements.

PALMERSTON ISLANDS. *See* Western Pacific.

PANGKOR ISLAND. *See* Straits Settlements.

PENANG, an island on the west coast of the Malay Peninsular. *See* Straits Settlements.

PENRHYN ISLAND. *See* Western Pacific.

PERIM is a dependency of Aden. It is situated at the entrance to the Red Sea, on the African coast, and has a military Governor.

PHILIP ISLAND. *See* New South Wales.

PILGRIM ISLAND. *See* Western Pacific.

PITCAIRN ISLAND. *See* Western Pacific.

PRINCE EDWARD ISLAND. *See* Canada.

PRINCE OF WALES ISLAND. *See* Penang.

PROVINCE WELLESLEY, on the Malay Peninsula, opposite Penang. A narrow strip of territory 45 miles long. *See* Straits Settlements.

PURDY ISLAND. *See* New Guinea.

QUEENSLAND.—A Governor and an Executive Council composed of the responsible Ministers of the Crown. The Legislature is formed of two Houses of Parliament—the Legislative Council or the Upper House, and the Lower House or Legislative Assembly. The members of the Council, thirty-six in number, are nominated by the Governor, and hold their offices for life. The members of the Legislative Assembly, fifty-nine in number, are elected by the suffrages of the people. The voting for members of the Assembly is by ballot. The franchise is on the most liberal footing, every

man of twenty-one years of age who has resided for six months in one locality having a vote.

RAINE ISLAND. *See* Western Pacific.

ROGGEWEIN ISLAND. *See* Western Pacific.

ROTUMAH ISLAND. *See* Fiji.

ST. BRANDON ISLANDS, in the Indian Ocean. *See* Mauritius.

ST. CHRISTOPHER, NEVIS, and ANGUILLA. *See* Leeward Islands.

ST. HELENA.—Legislature composed of the Governor assisted by an Executive Council.

ST. LUCIA.—The same as St. Vincent.

ST. PAUL ISLAND, in Indian Ocean. *See* Mauritius.

ST. VINCENT.—The Legislature consists of the Governor for the time being, and such other persons, not fewer than three, as the Crown may nominate. An Executive Council composed as the Crown may direct. The Grenadines are dependencies of St. Vincent.

SIERRA LEONE consists of a peninsula and several neighbouring islands on the west coast of Africa. Administered by a Governor and a nominated Executive Council.

SINGAPORE, an island to the south of the Malay Peninsula. *See* Straits Settlements.

SOCOTRA.—An island off the north-east coast of Africa. It is a dependency of Aden.

SOMALI COAST. *See* Aden.

SOMBRERO ISLAND. *See* Jamaica.

SOUTH GEORGIA. *See* Falkland Islands.

STARBUCK ISLAND. *See* Western Pacific.

STATEN ISLAND. *See* Falkland Islands.

STRAITS SETTLEMENTS, THE, consist of Singapore, Penang or Prince of Wales Island, Province Wellesley, Pangkor Island, the Dingdings, and Malacca. Governor aided by an Executive Council of nine members, and a Legislative Council of eleven official and seven unofficial nominated members, the Resident Councillors of Penang and Malacca having seats in both Councils.

SURPRISE ISLAND. *See* Western Pacific.

SUWARROW ISLAND. *See* Western Pacific

SYDNEY ISLAND is north-east of New Guinea.

TASMANIA.—Governor appointed by the Crown, with a Cabinet of responsible Ministers. A Legislative Council of eighteen members. Every member of the Legislative

Council holds his seat for six years from the day of his election, at the expiration of which time his seat is vacant. The competency of the Council is not affected by vacancies so long as seven members remain. A House of Assembly of thirty-six elected members. The duration of the Assembly is five years.

TEINHOVEN ISLAND. *See* Western Pacific.

TOBAGO.—Under the same administration as Trinidad.

TRINIDAD. — The Government is administered by a Governor and an Executive Council of three members. There is also a Legislative Council, including the Governor, who is President, six official and eight unofficial members, all of whom are nominated by the Crown. There is no Representative Assembly.

TRISTAN D'ACUNHA and GOUGH ISLAND are an independent colony under British protection.

TURKS and CAICOS ISLANDS.—There is a Legislative Board consisting of the Chief Commissioner and Judge, and not less than two nor more than four other persons appointed by the Governor of Jamaica. Taxation and expenditure, and other matters of a purely local character, are regulated by this Board. But all laws passed by the Legislative Council of Jamaica, which are in express terms made applicable to Turks Islands, take effect there.

VANCOUVER ISLAND. *See* British Columbia.

VICTORIA.—The Government of Victoria consists of a Governor appointed by the Crown, who is aided in the conduct of public affairs by a responsible Cabinet of twelve members. There is a Legislative Council or Upper House of Parliament, which will consist of forty-two members elected for fourteen provinces, and a Legislative Assembly or Lower House, consisting of eighty-six members returned by the fifty-five electoral districts. One of the members of Council returned for each of the electoral provinces retires in rotation at the expiration of every two years. The duration of the Assembly is three years, and vote is by ballot with manhood suffrage. Members of the Legislative Assembly are paid, members of the Legislative Council are not paid.

VIRGIN ISLANDS. *See* Leeward Islands.

VOSTOC ISLAND. *See* Western Pacific.

WEST AFRICAN SETTLEMENTS (comprising Sierra Leone and Gambia) are under a Governor-in-Chief. There is also a

Legislative Council in each settlement, composed of the officer administering the Government and not less than two other members appointed by the Crown. In Gambia there is also an Administrator, who is head of the Government. In Sierra Leone there is an Executive Council for the purpose of advising and assisting the Governor-in-Chief, to whom is given the power of pardon and suspension.

WESTERN PACIFIC COMMISSION, THE, includes all the islands of the Pacific not belonging to another civilized Power. With it we close our long list of colonies and dependencies, from which, however, we have omitted India, owing to its claiming a separate government department.

THE CHANNEL ISLANDS and THE ISLE OF MAN, though not colonial possessions, are nevertheless dependencies of the British Crown, having a certain independent status of their own. The Channel Islands are portions of the old Dukedom of Normandy, and have been attached to England ever since the Conquest. French is the official language of the local legislature, called the *States*, but the old Norman dialect is still spoken by the people. The Lieutenant-Governor is appointed by the Crown. The chief civil officer is the Bailiff, who presides over the States and the Civil Court.

The Isle of Man is governed by an independent legislature, called the Tynwald, consisting of two branches—the Governor (appointed by the Crown) and Council, and the House of Keys.

And now let me say a few words on the Government of INDIA. It was in 1858, when the perilous days of the great Mutiny had ended, that the existing system of rule in India began. The Act "for the better government of India" received the Royal sanction on August 2 in that year. By it the territories under the government of the East India Company were vested in the Crown, and all the powers accustomed to be exercised by the Company or its Board of Control were transferred to a Secretary of State, which office has since carried with it a seat in the Cabinet.

The Secretary does not act alone. He is assisted by "The Council of India," of fifteen members, now chosen from amongst distinguished persons who have resided in India. These hold office for ten years, but a member can be removed by an address from both Houses of Parliament, and, on the other hand, the Secretary of State can, for special reasons,

re-appoint a member for an additional term of five years. To the Secretary and this Council of his appointing is entrusted the conduct of all the business transacted in the United Kingdom in relation to the government of India. Five of its members form a quorum; it holds meetings irrespective of any vacancies there may be amongst its members; and it meets at any time the Secretary pleases, but always once a week.

The Secretary for India has unusual powers in his department. Appointments to the Council, and to the Councils of the provinces, and appropriations of revenue have to obtain the Council's consent, though the Council can do nothing without the Secretary's consent. But all other questions, though submitted to the Council for an expression of their opinion thereon, can be decided by the Secretary independent of their advice. And the Secretary may even introduce Indian Bills into Parliament without going through the form of consulting them, and even ignore them altogether, and through the Secret Department issue his orders direct to the officials in India.

Although, therefore, the Council has but a shadowy control, the function it fulfils is a very useful one. The House of Commons has so much to occupy it in other ways that it has no opportunity of making itself sufficiently acquainted with Indian affairs to exercise an efficient influence over the Secretary of State. The Council therefore exists as his deputy, and to ensure that the powers placed in his hands are not abused. The moment the House of Commons interferes and expresses an opinion on a subject connected with India, that moment the Council's jurisdiction is suspended. Although the Secretary and his Council have the full control of the Indian revenues, yet they have to report to Parliament whatever expenditure may have been incurred, and they are not allowed to increase the Indian Debt without Parliamentary sanction; but, as against this, although the Indian Budget is annually presented to the House of Commons to be commented on and made the text for criticising the whole Indian policy of the Government, yet no vote is passed affecting Indian taxation, and the debate invariably ends merely with an expression of opinion and the passing the formal resolutions setting forth the actual figures of the Secretary's return.

In India the executive authority is vested in a Governor-General, popularly, but not officially, known as the Viceroy. Acting under the orders of the Secretary of State he has power, in Council, to make laws for all persons, whether British or native, foreigners or others, within the Indian territories under the dominion of the British Crown, and for all subjects of the Crown within the dominion of Indian princes and allied States.

The Council of the Governor-General consists of six ordinary members and the Commander-in-Chief of the forces for the time being. The various departments of the State—foreign affairs, finance, home affairs, military administration, and public works—are presided over by the ordinary members of the Council, who are all appointed by the Crown. With them are associated for legislative purposes from six to twelve additional members appointed by the Governor-General, and thus is formed the Legislative Council, the proceedings of which are public.

For the purposes of administration India is divided into provinces, and these into executive districts. The Lieutenant-Governors and Chief Commissioners of the provinces are appointed by the Governor-General, subject to the Secretary of State's approval. Madras and Bombay have each two Councils to assist the Governor; Bengal has only a Legislative Council; the other provinces have no Councils, and their Lieutenant-Governors have no legislative powers. Every province is divided into districts, answering to counties in the home country. Each district is presided over by a collector, who has under him deputy collectors and assistant magistrates, and is frequently judge as well as chief executive officer.

India is not all British territory. There are many native or feudatory States, the control over which varies considerably. In all cases, however, the ruling native prince is assisted by a British resident, appointed by the Governor-General to exercise "political" control. The princes and chiefs are all under treaty engagements acknowledging British supremacy, and surrendering all rights to make war or peace, or open diplomatic relations with neighbours or foreigners, or keep up armies above a certain strength, or offer hospitality to Europeans other than those agreeable to the Governor-General. And in all cases the treaties give power to the

British to depose the native ruler in case of misgovernment.

One of the most significant facts regarding our rule in India is that, out of the vast population of 257,000,000, hardly 90,000 are British born. India is a land of many languages. Hindustani is spoken by some 83 millions, Bengali by some 39 millions, Telugu by 17 millions, Mahrati by rather more, Punjabi by 16 millions, Tamil by 13 millions, Guzarati by 10 millions, Canarese by 9 millions, Ooriya by 7 millions, Malayalum by 5 millions, Sindhi by 4 millions, Burmese by 3 millions, Hindi by 2 millions, Assamese by a million and a half, Kol by a million and a quarter, Sonthali by about the same, Gondi by about a million, and Pushtu and Afghani by not quite so many, and Karen by a little over half a million.

The following table gives a summary of the Colonies and Dependencies of the United Kingdom, their area, capitals, mode of acquisition, date of acquisition, and estimated population at the end of 1888.

It is here convenient to mention that in the December of that year the British Empire extended over more than nine millions of square miles, and had a population of nearly three hundred and twenty-seven millions, being a sixth of the area, and more than a fifth of the population, of the globe.

Its revenue was nearly £210,000,000; its public debt was £1,128,000,000; and its trade during the preceding twelve months had been nearly £1,036,000,000.

Neither in area, population, revenue, debt, nor trade have these figures been equalled since the world began. The Empire of Rome was but a small affair compared with that which follows the lead of London.

THE BRITISH COLONIES.

Colony.	Area in Square Miles.	Capital.	Mode of Acquisition.	Date.	Estimated Population in 1888.
IN EUROPE—					
Cyprus	3,584	Nikosia	Occupied under Treaty	1878	200,000
Gibraltar	1$\frac{3}{4}$	Gibraltar	Capture	1704	19,000
Heligoland	$\frac{1}{2}$	Heligoland	,,	1807	2,000
Malta and Gozo	119	Valetta	,,	1800	156,000
IN AMERICA—					
Bahamas	4,466	Nassau	Settlement	1670	47,000
Barbados	166	Bridgetown	,,	1605	180,000
Bermudas	19$\frac{1}{4}$	Hamilton	,,	1609	15,000
Canada	3,470,392	Ottawa	Capture, Settlement, and Cession	1759	4,750,000
Falkland Islands	7,500	Stanley	Settlement	1833	1,800
Grenada	133	St. George	Cession	1763	47,500
British Guiana	109,000	Georgetown	Capture	1803	274,000
Honduras	6,400	Belize	Settlement	1670	30,000
Jamaica	4,282	Spanish Town	Capitulation	1655	620,000
Leeward Islands: Antigua	170	St. John's	Settlement	1632	35,000
Leeward Islands: Montserrat	32	Plymouth	,,	1632	10,500
Leeward Islands: St. Kitts	103	Basseterre	,,	1650	29,137
Leeward Islands: Nevis	45	Charlestown	,,	1628	11,864
Leeward Islands: Dominica	291	Roseau	Cession	1736	28,500
Leeward Islands: Virgin Islands	57	Roadtown	Settlement	1665	5,000
Newfoundland	162,000	St. John	,,	1583	200,000
St. Lucia	238	Castries	Capitulation	1803	42,000
St. Vincent	133	Kingstown	Cession	1763	42,000
Tobago	115	Scarborough	,,	1763	18,000
Trinidad	1,754	Port of Spain	Capture	1797	179,000
Turks and Caicos Islands	169	Grand Turk	Settlement	1629	5,000

In Africa—					
Ascension	34	Georgetown	Settlement	1815	300
Basutoland	10,293	Maseru	,,	1871	175,000
Bechuanaland	162,000	Vryburg	,,	1880	44,000
Cape of Good Hope, with Dependencies	213,636	Cape Town	Capture	1806	1,265,000
Gold Coast { Gold Coast	18,784	Cape Coast Castle	Settlement	1661	1,000,000
Colony { Lagos	1,071		Cession	1861	75,000
Mauritius	881	Port Louis	Capture	1810	385,000
Natal	18,750	D'Urban	Settlement	1838	443,000
St. Helena	47	James Town	Capture	1651	4,500
Niger	3,000		Cession	1885	4,000
West African Settle- { Gambia	69	Bathurst	Settlement	1631	15,000
ments { Sierra Leone	3,000	Free Town	,,	1788	75,000
In Asia—					
Aden	70	Aden	Capture	1838	35,000
Ceylon	25,365	Colombo	,,	1796	3,000,000
Hong Kong	30½	Victoria	Cession	1843	201,000
India	1,585,540	Calcutta	,, and Capture	1625	257,000,000
Labuan	30	Victoria	,,	1846	6,000
North Borneo	30,000	Sandakam	,,	1877	200,000
Perim	3	Strait Point	Capture	1839	200
Socotra	2,000		Cession	1886	4,000
Straits Settlements	1,472½	Singapore, Georgetown, Province Wellesley, Malacca	Separated from Indian Empire	1867	506,000
In Australasia—					
Fiji Islands	7,740	Levuka	Cession	1874	125,000
New Guinea	890,00	Port Moresby	,,	1888	150,000
New South Wales and Norfolk Island	311,098	Sydney	Settlement	1787	1,000,000
New Zealand	104,458	Wellington	,,	1841	580,000
Queensland	668,497	Brisbane	Separated from New South Wales	1859	342,000
South Australia	903,690	Adelaide	Settlement	1836	312,000
Tasmania	26,215	Hobart	,,	1803	137,000
Victoria	87,884	Melbourne	Separated from New South Wales	1851	1,000,000
Western Australia	1,060,000	Perth	Settlement	1829	39,500
Small Islands in Pacific, &c.	5,000		,, and Cession		15,000

LETTER XII.

THE NAVY.

Popularity of the Navy—Early History—The Importance of our Naval Ascendency—Board of Admiralty—Rating of Ships—The Dockyards—How the Guns are Made—Our Fleets and Squadrons—Armed Cruisers—Recruiting for Navy—The Training Ships—Promotion—Entry of Officers—The Britannia—The Navigating, Medical, Engineering, and Paymaster Branches—Relative Army and Navy Rank—Coastguard—Royal Naval Artillery Volunteers—Royal Naval Reserve—Royal Marines.

Our Navy is the most popular of our national forces, and deservedly so. Our Army has won us honour and triumphs abroad, but it is to the Navy that we owe our security at home. It has ever been our best bulwark against the invader.

It has never been looked upon with suspicion as a force which might be employed by an unconstitutional Sovereign to curtail the liberties and rights of the people. On the contrary, save during that humiliating epoch in our history when our king was the pensioner of the French monarch, and applied to his vices and pleasures the sums which should have gone to maintain the fleet, it has been the special care both of governors and governed to keep up its strength and efficiency. In the year 1707 the House of Lords, in an address to Queen Anne, said "that the honour, security, and wealth of this kingdom depend upon the protection and encouragement of trade, and the improving and right encouraging its naval strength . . . . *therefore we do, in the most earnest manner, beseech your Majesty that the sea affairs may always be your first and most peculiar care.*" It will be an evil day for us when the principle laid down in this address is departed from.

Previous to the reign of Elizabeth we had but few ships of war. The naval force collected to oppose the Armada was the largest armament that had ever been brought together under an English commander, Under the first sovereigns of the House of Stuart our navy degenerated; but the vigorous and able administration of Oliver Cromwell speedily raised it to a magnitude and power hitherto unknown. He divided it into *rates* and *classes*, and under the command of Admiral Blake it not only equalled, but surpassed, the famous marine of Holland. James II.—himself a naval commander and his own Lord High Admiral—also paid great attention to marine affairs. At his abdication, the fleet amounted to 173 sail, measuring 101,892 tons, and having on board 6930 guns and 42,000 seamen. After his time the efficiency of the Navy steadily increased, and although there have been periods in which the combined fleets of France and Spain and other coalitions have deprived us for a short time of our ascendency, the victories of Rodney, Howe, Duncan, St. Vincent, and Nelson soon restored to us that sovereignty of the sea which, from our extended empire, our enormous commerce, and our maritime habits and prowess, we may still claim, and which it is of the utmost importance we should make every sacrifice to maintain.

Our interests on the seas are now much greater than they ever were: the development of our colonies and carrying trade has been unexampled in the history of the world. Unfortunately, owing to the cry for retrenchment during the last twenty years, the growth of our Navy had not been allowed by politicians to keep pace with that development, and our means of maritime defence had become perilously less than they should be. Now, however, a new and healthier spirit seems to be arising in the nation; it seems at last to be coming home to the people that expenditure on the Navy is really a premium for their insurance against starvation. Our weak navy is being considerably strengthened—and none too soon. Let us hope that the effort will not cease until it is brought up to the position it occupied in the days of its glory, and that it may not be called upon to defend us till it is again strong enough to cope with the fleets of our enemies.

The general direction and control of all affairs connected with the Royal Navy are now entrusted by the Sovereign to

the Commissioners for discharging the duties of Lord High Admiral. They constitute the Board of Admiralty, and consist of six "Lords." Of these the First Lord is generally a civilian—*i.e.*, not immediately connected with the naval service. He is a member of the Cabinet. The sixth, or Civil Lord, is a member of Parliament, but he is not a member of the Cabinet. The second, third, and fifth lords are Admirals on the active list, and the fourth lord is the "Controller of the Navy."

There is a Parliamentary and Financial Secretary under the control of the Board, and changing with the Government; and there is a Permanent Secretary. The First Lord has also a Private Secretary, who is always a captain in the Navy. As a rule, the whole Board is affected by any change of Administration, but the Sea Lords, who are not members of Parliament, are occasionally reappointed.

The Admiralty has many departments. The Secretary's Department consists of the Parliamentary and Permanent Secretaries, with the private secretaries of each of the lords. The Hydrographic Department is in charge of the Hydrographer, with whom it rests that the results of the most recent surveys and soundings are duly incorporated in the charts issued to the fleet. The Superintendent of Compasses is a subordinate of the Hydrographer. There is a Transport Department, including the Inspectors of Shipping; and there is a Victualling Department, with branches at the different Victualling Yards. The Department of the Controller of the Navy is responsible for the efficiency of the service as a fighting force. Among the other departments are those of the Accountant-General; the Contract and Purchase Department; the Medical Department; the recently formed Naval Intelligence Department, ranking next in importance to that of the Controller; the Nautical Almanac Office, and the Royal Observatories at Greenwich and the Cape of Good Hope, which exist as Government departments on account of their supplying the materials for the Nautical Almanac compilers.

The Navy of the United Kingdom takes precedence of the Army, as being the senior service. It is a *permanent* establishment, the statutes and orders by which it is governed having been permanently settled and defined with precision by the Legislature. The amount of military force has to

be regulated every year (as we have said) by Parliament, as the maintenance of a standing army in time of peace without the consent of Parliament is prohibited by the Bill of Rights. Not so with the Navy. While for the Army a vote to sanction the *number of men* is required, for the Navy Parliament has simply to vote the sum required for the seamen's wages.

Our ships are now built very much larger and carry much heavier guns than they did even twenty years ago; in fact, the largest ships-of-the-line with which Nelson and Collingwood fought would be considered as mere sloops in comparison with the mighty men-of-war of the present day. Nor is it merely in their size that the men-of-war of to-day differ from those of other times. Formerly, as I daresay you know, they were constructed of wood; now, like all other modern ships, they are built of mild steel, but in order to cope with the terribly destructive power of modern artillery, the ships of what may be called our fighting navy are armoured with thick plates. Hence they are spoken of as ironclads.

In the early part of the century our ships of war were divided into line-of-battle ships, frigates, sloops, &c. That classification is now obsolete; and the Royal Navy is officially divided into Battle-Ships, Cruisers, and Sloops. There are three classes of Battle-Ships, all being heavily armoured. To the first class belong all our most powerful modern ironclads. These

First Class Battle-Ships are the Agamemnon, Ajax, Alexandra, Anson, Benbow, Blake, Camperdown, Collingwood, Colossus, Devastation, Dreadnought, Edinburgh, Howe, Inflexible, Neptune, Nile, Rodney, Sans Pareil, Superb, Téméraire, Thunderer, Trafalgar, and Victoria. The

Second Class Battle-Ships are the Audacious, Belleisle, Bellerophon, Conqueror, Hercules, Hero, Hotspur, Invincible, Iron Duke, Monarch, Orion, Rupert, Sultan, Swiftsure, and Triumph. The

Third Class Battle-Ships are the Achilles, Agincourt, Black Prince, Hector, Minotaur, Northumberland, Penelope, and Warrior.

There are three classes of cruisers answering to the old frigates. The

First Class Cruisers are the Aurora, Australia, Blenheim,

Galatea, Immortalité, Impérieuse, Narcissus, Nelson, Northampton, Orlando, Shannon, Undaunted, and Warspite, all of which are armoured. The

Second Class Cruisers are the Active, Amphion, Arethusa, Bacchante, Boadicea, Euryalus, Forth, Inconstant, Iris, Leander, Magicienne, Marathon, Medea, Medusa, Melpomene, Mercury, Mersey, Phaeton, Raleigh, Rover, Severn, Shah, Thames, and Volage. The

Third Class Cruisers are the Archer, Barham, Barracouta, Barrosa, Bellona, Blanche, Blonde, Bloodhound, Brisk, Calliope, Calypso, Canada, Caroline, Carysfort, Champion, Cleopatra, Comus, Conquest, Constance, Cordelia, Cossack, Curaçoa, Diamond, Emerald, Fearless, Garnet, Heroine, Hyacinth, Mohawk, Opal, Porpoise, Pylades, Racoon, Rapid, Royalist, Ruby, Sapphire, Satellite, Scout, Serpent, Tartar, Tourmaline, and Turquoise. The

Sloops are the Acorn, Basilisk, Beagle, Buzzard, Cormorant, Daphne, Dolphin, Dragon, Espiègle, Gannet, Icarus, Kingfisher, Mariner, Melita, Miranda, Mutine, Nymphe, Pegasus, Pelican, Penguin, Racer, Reindeer, Swallow, Wanderer, and Wild Swan.

Next in class to the sloops come the gun-vessels, gunboats, special service vessels, torpedo-ships, sailing vessels, troop-ships, surveying vessels, despatch vessels, yachts, and other tenders, such as a fleet of battle-ships requires, and in addition to these are the heavy floating batteries, the coast defence ships, Cyclops, Glatton, Gorgon, Hecate, Hydra, Prince Albert, Scorpion, and Wivern.

Ships of the Navy are built in the royal dockyards and in private shipyards under special contract. They are built under the superintendence of the Royal Corps of Naval Constructors, whose headquarters are at the Admiralty in Whitehall. Our chief dockyard and naval station is Portsmouth; the others are Chatham, Devonport, Pembroke, and Sheerness, the great building yards being Portsmouth and Chatham. The guns are mostly made at Woolwich, but a large proportion are produced under contract at the Elswick Works on the Tyne, and a few come from other private firms. One of the great difficulties in arming vessels of war is the constant improvement in guns, many of the vessels remaining helpless for months, in some cases years, owing to the indecision of the authorities as to the armament. So huge is modern

ordnance, and so careful has to be its manufacture, that it takes as long to make the gun as it does to build the ship.

The largest guns in the service are the 110-tonners, such as are on the Benbow. To finish such guns as these, fifteen months are required, working night and day. There are five thicknesses of steel—a barrel of five inches, a second course with the shaped muzzle of six and a half inches, a third course of three and a half inches, a fourth course of four inches, and a fifth course of six inches, giving a total thickness of over two feet. The gun is over forty feet long. The powder chamber is 21 inches in diameter, and seven feet long, and holds a charge of 900 lb., which will drive a 2000 lb. shell with a velocity of 2000 feet per second, the energy being equal to 56,500 foot-tons. The comparison of guns is now based on energy, and extreme range is disregarded, but these Benbow guns, it may be as well to note, have a range of about fourteen miles, and could shoot clean over London and bombard Hampstead Heath from Woolwich Common.

Guns are now built upon the principle invented by Lord Armstrong. First there is a steel tube carefully turned. On to this tube is slipped a ring or coil, which, when cool, is too small to pass over the tube, but which when heated expands, and is slipped into position, gripping the tube with tremendous force as it cools. Over this coil another heated coil is slipped in similar fashion, and ring after ring is added until the gun is complete. The ring fits on as the tyre fits on a wheel, the shrinkage giving the needful strength.

The ingot of steel is cast and forged, and then rough-bored. To bore it is a long job, continuing night and day from Monday morning to Saturday afternoon, and takes, even in the case of a thirty-feet barrel, more than a week. It is a work of exceeding care, for the slightest deviation in any direction would spoil the ingot. After the rough-boring the tube is taken on a crane to the oil pit, to be tempered by being raised to a red heat and dipped. It then comes back for the fine-boring. In a 110-ton gun this occupies three months, during which time the cutters pass up the tubes three or four times, —each pass taking two or three weeks, each paring away a thinner shaving than the last, until, in the final passage, perhaps only the four-hundredth of an inch will be removed. The next process is turning the outside to receive the hoops, which have their insides drilled out to be just a little smaller

than the barrel, and are reheated by gas to less than a red heat, and dropped on to the upright tube by a crane.

The rifling follows. A 110-tonner will take a month on the rifling machine. A drum, the size of the bore, is thrust down it. At the end of the drum is a tooth-like cutter, which can be set at any pitch, and, as it comes back out of the gun, it cuts a groove, which it has to traverse again and again until it is of the requisite depth and width. Were there no other arrangement the groove would be straight, but by means of the sloping bar on which the framework travels, a rack is worked against a pinion, the pinion receives its twist, and the drum, gradually turning as it retires, gives the spiral curve of the rifling. As the slope of the guide is constant, the curve is constant, and the pitch of the rifling can be altered at will by the slope of the bar. Over each groove the cutter has to travel perhaps a dozen times, and as there are eighty grooves to finish, the cutter may have to make over 900 journeys, at every journey taking off from a fiftieth to a twenty-fifth of an inch. Were the cutter to go wrong, the fourteen miles it may have had to travel up and down the bore would have been travelled in vain, the gun would be spoiled, and £15,000 worth of work and material thrown away. After the rifling, the breech, with its complicated ingenuities, is fitted on, and the gun is complete.

The discharge from one of these guns is equal to that from a broadside of the Nelson days, consequently our ships carry much fewer guns than then, and the armament is of a more varied character, consisting of heavy guns, quick-firing guns, and machine guns. Besides these terrible weapons of offence, are the torpedoes, of which a new and longer pattern has recently been introduced.

Our squadrons are found in every sea. The strongest fleet we keep afloat is that in the Mediterranean. The Channel Fleet has consisted of late of second and third class battleships, useful chiefly as drill ships. We have a fleet in North America and the West Indies, a small squadron on the south-east coast of America, another in the Pacific, another at the Cape of Good Hope and on the West Coast of Africa, another in the East Indies, another and more numerous one in China, and one in Australia, gradually being considerably strengthened in accordance with the provisions of the Imperial Defence Act.

In addition to the ships built for the navy, the Admiralty

has now subsidised certain of the best of our mail steamers, so as to convert them into additional cruisers and transports in time of war. Among the vessels so held at the disposition of the Lords Commissioners of the Admiralty are the Etruria, Umbria, and the Aurania of the Cunard Line; the Victoria, Britannia, and Oceana of the P. and O. Company; and the City of Paris and City of New York of the Inman and International Line. Besides these there have been secured under a different arrangement the Servia and Gallia of the Cunard Line; the Britannic, Germanic, Adriatic, and Celtic of the White Star Line; the Arcadia, Valetta, Massilia, Rome, Carthage, Ballarat, and Parramatta of the P. and O. Company; and the City of Berlin and City of Chicago of the Inman and International Line. There are many others of the pick of our merchant fleet available for Government employ should occasion demand; it having been the custom of late to build our leading mail boats so as to conform to certain Admiralty requirements with a view to their services being accepted on the outbreak of hostilities.

The seamen of the fleet are recruited by voluntary enlistment. They are entered from the shore as boys between the ages of fifteen and sixteen and a-half, and of certain height and chest measurement. The Impregnable at Devonport is the headquarters of the training service. At Devonport is also the Lion, the Lion establishment consisting of two ships, the Lion and the old Implacable. At Portland is the Boscawen; at Falmouth is the Ganges; at Portsmouth is the St. Vincent. Boys are also received on the flag, guard, and drill ships round the coast; but they are sent to the south to be trained as soon as possible.

The boys are mostly of the class that would have become skilled mechanics had they stayed ashore, a large proportion of them being sons of warrant officers and petty officers who have themselves been through the mill, and therefore know best the chances the service offers. They come from all parts of the kingdom, the majority from the southern seaports. Most of them are recruited by the Coastguard, who are always on the look-out for likely lads, the encouragement for doing so being a premium of ten shillings to the man for each boy he sends. The practice works admirably: the old sailor is jealous of his profession and careful in his choice; he knows the sort of boy that has the making of a seaman in him, and he sends the pick of the district. The

best of the boys come from Greenwich Naval School, sent to the ship direct, with no interval between leaving school and beginning work in which to slip back into ignorance or downwards into bad ways. The worst come from London and the great towns, where the notion still lingers that the Navy is the last refuge of the hopeless, which is far from being the case.

The lad must be sound in body and mind, and able to read and write; and his antecedents and those of his parents must bear looking into. He has to bring with him, on the proper forms, a registrar's certificate of birth, and the written consent of his parents or guardians, or nearest relative, to his entering for continuous service of twelve years from the age of eighteen, the consent being certified by the clergyman of the parish or a resident householder of some position. Every boy on entry is given a free kit, or rather he is credited in the ship's books with five pounds for clothing and one pound for bedding. At the end of six months the original kit is increased; it is again increased when he passes as first-class boy; and still further increased when he is kitted up for sea. He is educated and trained under picked officers for a year or so before he joins a seagoing ship, and mixes with the men. He is, in fact, taken in hand at the most critical period of his life before he has had time to spoil himself, and has every opportunity given him for becoming a healthy, trustworthy servant of his country. He has his chance, and as a rule he is not slow to avail himself of it. The Navy is far smaller in proportion to our population than it used to be; it is a popular service, and it can find more boys than Parliament will pay for; and it can sift its recruits. With this extended choice, and improved training, the standard of our seamen is much higher than it was even in the Nelsonic days; and they form, indisputably, the finest fighting force afloat or ashore.

Entered as "second class boy" the recruit becomes in turn "first class boy," "ordinary seaman," and, if smart and thorough, "able seaman." Then his promotion takes place along different lines. If he chooses the gunnery branch he volunteers for the Excellent, the gunnery ship at Portsmouth, where he is put through special drills and studies. If he passes through the course with credit he goes to the Vernon to be initiated into the mysteries of the torpedo. As able sea-

man his pay was nineteen pence a day; but when he goes to sea after the gunnery and torpedo courses he has sundry extra pennies added to his daily pay. He rises by steps to be gunner's mate, and eventually passes an examination and becomes a gunner. Gunners are "warrant officers," so are boatswains and carpenters; the grades below them are "petty officers." Gunners, boatswains, and carpenters can become chief boatswains and chief carpenters; this is commissioned rank, and the pay is nine shillings a day.

Officers enter the naval service as lads of between thirteen and fourteen-and-a-half years of age. They first obtain a nomination by a Lord of the Admiralty, or Flag, or Captain, on appointment to a command. They then pass a medical examination, and then a "test examination," and a "further examination" before the Civil Service Commissioners. And only one-third of the candidates are passed as "naval cadets." These are sent on board the Britannia training-ship at Dartmouth, during their stay on which a fee of £75 per annum, paid half-yearly in advance, has to be sent to the Accountant-General of the Navy, the fee not including the cadet's personal expenses. Cadets passing out of the Britannia rank according to the amount of sea time they obtain at their final examination. The next step is midshipman; the next, sub-lieutenant; the next, lieutenant; the next, commander; the next, captain; and then the occasional rank of commodore; then come rear-admiral, vice-admiral, admiral, and admiral of the fleet.

An admiral of the fleet ranks with a field marshal in the army, an admiral ranks with a general, a vice-admiral with a lieutenant-general, a rear-admiral with a major-general, a commodore with a brigadier-general. A captain R.N. after three years' service ranks with a full colonel in the army; with under three years' service he ranks with a lieutenant-colonel. A commander ranks just below a lieutenant-colonel; a lieutenant R.N. of eight years' standing ranks with an army major, and a lieutenant of less than that standing ranks with an army captain.

Every step upwards in the navy, with the commissioned officers, as well as with the warrant and petty officers, is preceded by an examination. It is only when the captaincy is reached that the examiner is done with. As with the men, the officers go to the Excellent to study gunnery, and to the Vernon

to study torpedo practice. They also go to the Royal Naval College at Greenwich, so long known as Greenwich Hospital, where the excellent museum and gallery is open to public view.

Besides the combatant officers, there are many others on board a warship. There are the navigating officers, the engineers, the medical officers, the paymasters, &c. In the navigating branch the grades are navigating lieutenant, staff commander, staff captain; in the medical branch the grades are surgeon, staff surgeon, fleet surgeon, deputy inspector-general of hospitals and fleets, and inspector-general of hospitals and fleets; in the engineering branch the grades are assistant engineers, engineers, chief engineers, staff engineers, fleet engineers, inspectors of machinery, and chief inspectors of machinery; in the paymaster branch the grades are clerks, assistant paymasters, paymasters, staff paymasters, fleet paymasters, and paymasters-in-chief.

The rules and provisions for the enforcement of discipline and good order in the navy are embodied in an Act of Parliament, "The Naval Discipline Act, 1866." Offenders are tried by court-martial much in the same way as in the army, only the naval court is always held in a ship afloat, and its decision does not require confirmation, but is made public directly it is delivered.

The Coastguard is a most important branch of the naval service. Its duties are to guard the coast from the approach of enemies, to capture smugglers and prevent the landing of contraband goods. Shore stations are established all round these islands, from which patrols are sent out, and where watch is kept night and day. Besides the land stations there are a certain number of small vessels, ranging from thirty up to five hundred tons, kept cruising off the coast; and, to preserve their efficiency and nautical training, the men serving ashore are drafted annually on board the various guardships stationed round the coast and taken for a six weeks' cruise, which generally takes place at the time of the naval mobilization; for every year now a large portion of our fleet is mobilized for the purpose of experimental manœuvres, and a mimic maritime campaign is fought out.

The Royal Naval Artillery Volunteers, formed a few years ago, are now receiving large accessions of strength, and form a noteworthy item in our scheme of national defence. There

are corps at London, with headquarters on board H.M.S. Frolic, anchored in the Thames off Somerset House, at Brighton, at Hastings, at Yarmouth, at Liverpool, at Southport, at Llandudno, at Carnarvon, at Birkenhead, at Bristol, at Swansea, and at Glasgow. The men are being constantly drilled at gun, rifle, and cutlass practice, and each year have a certain period of drill afloat on some of the naval gunboats.

The Royal Naval Reserve consist of volunteers from the merchant service, who undergo a certain amount of annual training in time of peace, and hold themselves at the disposal of the country in time of war. Merchant vessels whose crews contain ten Naval Reserve men, and whose commander is an officer of the Naval Reserve (R.N.R.), have a right to carry the blue ensign; ordinary merchantmen are restricted to the red ensign; men-of-war always carry the white ensign, the one with the red cross of St. George.

Besides our Naval Artillery Volunteers and Naval Reserve, there are available for the defence of the Empire the Naval Defence Forces of the colonies. New South Wales has a naval defence force; so has South Australia, so has Queensland, so has Victoria.

No ship of the Royal Navy goes to sea without a detachment of the Royal Marines on board. The corps of Royal Marines is under the control of the Board of Admiralty, and forms part of the establishment of the navy. It serves on board our ships and helps to garrison the royal dockyards. It numbers 12,750 officers, non-commissioned officers, and men, and of that number about one-half is generally serving afloat. The date of the formation of this force has not been exactly ascertained: we first hear of it in the year 1684. It is now separated into two sections—the Royal Marine Light Infantry and the Royal Marine Artillery: the former consists of three divisions, which are stationed respectively at Chatham, Portsmouth, and Plymouth, and number forty-eight companies; there are sixteen companies of Marine Artillery, the headquarters of which are at Portsmouth.

For the regulation of the Marines when quartered (as they often are) on shore, or sent to do duty on board of transports or merchant ships, or under other circumstances in which they are not subject to the government of her Majesty's

forces by sea, it has been the custom to pass an annual Mutiny Act, as in the case of the army.

Gentlemen are admitted to this service from the Royal Military Academy at Woolwich and the Royal Military College at Sandhurst, on probation for the Royal Marine Artillery and Royal Marines (L I.) respectively. Candidates for the Royal Marine Artillery undergo a course of instruction at the Royal Naval College, Greenwich, before being confirmed in their appointments. Those who fail to pass at the end of the first session are excluded from the Royal Marines entirely; if they fail at the final examination they may, at the discretion of the Admiralty, receive commissions in the Royal Marines (L I.). Officers of this corps may be appointed to the staff of the Regular Army. The system of purchase never existed in this corps, and promotion goes entirely by seniority.

LETTER XIII.

THE ARMY.

Origin and History of Standing Armies—The Feudal System—Mercenary Soldiers—Ancient Warfare—The Mutiny Act—The Secretary for War—The Staff—Cavalry—Infantry—Quartering of Troops—Organization—Admission of Officers—Recruiting—Pay System—Territorial Regiments—Regimental Colours and Badges—The Cavalry—The Royal Artillery—The Royal Engineers—The Infantry—Composition of the Army—Precedence of Corps—Courts Martial—Victoria Cross—Decorations—Pensions and Rewards—The Reserve Forces—The Militia—The Yeomanry—The Volunteers—The Army Reserve.

I HAVE already described how the military service of our ancestors was constituted under the feudal system. In the rude ages in which it existed, the force it provided was sufficient in every respect to protect our shores. All persons holding *knights' fees* (of which there were more than 60,000 in England alone) were bound to be in readiness to attend their sovereign for forty days' service every year. Those who were unable or unwilling to take up arms were obliged to provide efficient substitutes, so that when a rebellion broke out, or an invasion was threatened, an army of 60,000 men could be brought into the field with very little delay, and no expense to the Crown. There were few fortified places in those days, and campaigns were not planned upon scientific principles. The contending forces usually attacked each other without delay, and the cause for which they fought was generally won and lost within the forty days. If the war was of longer duration, the feudal militia were entitled to return to their homes, or, continuing to serve, to be paid by the Sovereign.

When our kings of the house of Plantagenet began their foreign wars, and encountered the partially trained soldiers

of France, they found that they required more continuous and experienced services from their subjects than the feudal system could provide. They therefore began to commute the military services of their *tenants in capite* for a money payment, or *scutage*, as it was termed, charged upon every knight's fee. Thus, when Henry II. was about to engage in hostilities against the Count of Toulouse, in 1159, instead of requiring all his vassals to accompany him, he imposed upon them a scutage, which produced a sum equal to £2,700,000 of the money of the present day, with which he provided himself with an army accustomed to the march, and to be relied upon on the battle-field, and thus gained much popularity from those of his subjects who preferred remaining at home in the pursuit of more peaceful avocations. At last money payments were entirely substituted for feudal services, which were finally abolished by the statute 12 Charles II. c. 24.

Philip Augustus of France was the first king who established an army of paid troops, in no way connected with the feudal militia, to protect his throne and humbler subjects from the lawlessness and tyranny of his great vassals. From the fact of their receiving money, they were called *Soldati* (whence our word "soldier"), derived from *soldo*, the Italian for *pay*. Several of our English sovereigns also maintained similar bodies of mercenaries, and paid them out of the revenues of the vast estates belonging to the Crown. Regular garrisons were kept in the Tower of London, the Castle of Dover, and in the Marches along the Scottish border—posts of great military importance, where the presence of trained soldiers was always required; but with these exceptions the troops I have mentioned were only raised for some special purpose, and were disbanded as soon as the occasion for which they were embodied had passed.

Until the reign of Charles VII. of France, what we now designate a *standing army*—that is, a body of soldiers trained and paid by Government, and kept under arms during peace for the defence of the State—was unknown. By this time the invention of gunpowder had entirely swept away the ancient plan of making war. As long as personal courage, strength, and daring decided the fate of a battle, war had great charms for noble knights, who fought, each one at his own expense, on horseback, cased in armour, and were always the principal

combatants. Intellectual employment was almost unknown in those days, war and the chase being considered the only pursuits worthy the attention of a gentleman. But the introduction of firearms, especially artillery, deprived brute force and valour of their exclusive importance. It was one thing, encased in proof mail, to ride amongst an undisciplined and almost unarmed herd of leather-clad countrymen, and to mow them down with two-handed swords; but to charge a line of sturdy pikemen, supported by a rear rank of musketeers, whose bullets sent horse and rider rolling in the dust before the latter had the opportunity of striking a blow, was a very different state of affairs. Generals began to see the necessity for regular tactics under these new conditions. A crowd of armed men, each one fighting for himself, was no longer of any use in settling the disputes of nations. A military machine, that could be directed with exact and steady action by the master-mind of the commander, was required. To produce this, practice, training, and strict and unquestioning obedience were demanded, and the presence of a lower order of men was required in the ranks. The great importance of regular infantry became every day more and more apparent; war was reduced to a science, and standing armies were established throughout the continent of Europe.

The origin of our own present standing army dates as far back as 1660, when Charles II. formed two regiments of guards, one of horse and one of foot, and with these (and some other troops brought over from abroad) organized a force of 5000 men. This number was increased during the reign of James II. to 30,000 soldiers. The embodiment of this army was, however, never sanctioned by Parliament; the King raised it by his own authority, and paid it out of the civil list by wrongfully appropriating money granted for other purposes. With this force he hoped to awe his subjects into submitting to the unconstitutional encroachments which had sent his father to the block. The hope, however, was a delusive one. So treacherous and fickle was his conduct, that civilians and the military made common cause against him, and no sooner had the Prince of Orange landed than, as you know, the army joined his standard almost to a man.

But the danger which our forefathers thus escaped was a

great one, and one which they were determined not to risk again. If you will turn back to my Letter in which I gave you some extracts from the Bill of Rights, you will see that a standing army cannot be maintained without the consent of Parliament. This was formerly given by passing the *Mutiny Act*, in which the number of soldiers to be employed, the terms upon which they shall be enlisted, the offences for which they shall be punished, and the manner in which they shall be billeted, paid, and pensioned, are laid down. The discipline of the army is now regulated by the "Army Discipline and Regulation Act, 1879," and the Articles of War and Rules of Procedure made by the Sovereign from time to time in accordance with the provisions of that Act.

You will remember my telling you that the Sovereign is the head of the army; but military matters are managed by the Secretary of State for War, who, however, is supposed to act with the advice of the Field-Marshal or General Commanding in Chief.

Until recently the Field-Marshal Commanding in Chief had his official residence at the Horse Guards, and was in most respects independent of the Secretary of State for War; but this system of dual government of the army was found to possess many disadvantages, and the staff of the Horse Guards was removed to the War Office and formed into a department of that establishment, of which the Secretary of State for War is the head.

The special duty of the Secretary of State for War is to arrange the number of men that Parliament is to be called upon to provide for, and form the Estimates accordingly; he decides what troops are to be sent abroad in time of war, appoints the generals who are to command them, and is the constitutional medium between the Government and the army; he also appoints officers to the Militia and Reserve Forces, and all promotions in the regular army are submitted to him before being forwarded for her Majesty's approval. The Field-Marshal Commanding in Chief is responsible for the discipline and recruiting of the army. He is assisted by several subordinate officers, such as

The Adjutant-General, who has the superintendence of all matters relating to what is called the *personnel* of the army; he is the channel through which all officers communicate with the Field-Marshal Commanding in Chief; and all in-

structions, regulations, and orders relative to the recruiting, organization, and discipline of the army, and applications for leave of absence, come through him. He regulates also the employment of officers on the Staff, &c. Some of these duties, however, are often taken by the *Military Secretary*.

The Quartermaster-General, whose duty is to prescribe, map out, and plan routes of marches; to pitch camps and find quarters for the troops; to manage their embarkation and disembarkation; to provide the means of transport for their stores, &c.

Each of these officers has a host of subordinates and clerks to transact the business of his department.

The British army consists of cavalry, artillery, engineers, and infantry. That portion of it called *the Guards*, or the "Household troops," as they are also termed, because they guard the palaces and person of the Sovereign, comprises the Grenadier, Coldstream, and Scots regiments of Foot Guards; the 1st and 2nd regiments of Life Guards, and the Royal Horse Guards, or Blues. There are two other corps attached to the person of the Sovereign, and which are rarely employed but at levees and other ceremonials; but these can scarcely be considered, like the Household troops, to form part of the army. The first is styled the Corps of "Gentlemen at Arms," and consist of a captain, lieutenant, standard-bearer, paymaster, clerk of the cheque or adjutant, a harbinger, and forty gentlemen. The other is called the "Yeomen of the Guard," or, in common parlance, "Beefeaters." This corps consists of 100 men, with the following officers: Captain, lieutenant, ensign, and two exons or corporals.

The strength of our regiments varies according to circumstances from 500 to 1000 men. Regiments in India are paid by the Indian Government (formerly they were paid by the East India Company, when that corporation existed), and they receive extra pay on account of the necessary expenses being much greater in India than in this country. The bulk of the forces in India consists of native troops. There are 140,000 of these, and for police duties and frontier service there are in addition 163,000 Native Police.

When a regiment of cavalry or an infantry battalion is sent abroad, two troops or companies remain behind to form the *depôt*, which is to supply vacancies, &c. The remainder are called the *Service* troops, or companies.

Three battalions form an infantry *brigade*. Two brigades together, with an extra battalion, furnish the infantry for a *division*.

The proportion of the different arms in the British army depends, in actual warfare, on the nature of the country and the service to be performed; but, as an abstract organization, that at present sanctioned for a division is as follows:—Two brigades of infantry, *i.e.*, seven battalions; one battalion of rifles; one regiment of cavalry; three batteries of field artillery; one company of engineers; one infantry, and artillery reserve ammunition column. Three such divisions form an army corps, which is completed by the corps artillery (three batteries horse artillery, two field artillery, and an ammunition column), corps engineers (one company and field park, one pontoon troop, and a half telegraph troop), together with a cavalry brigade (three regiments, and one battery of horse artillery).

The present system, under which officers are first appointed, is that any gentleman under a certain age, whose name has been approved of by the authorities, must present himself for examination, in order to gain admission to the Royal Military College, Sandhurst, as a gentleman cadet, where he undergoes a course of study and drill. The cadet is then examined for a first commission; if he passes this examination successfully, he receives a commission as lieutenant on probation for one year; and if during that period his progress and conduct are satisfactory, his appointment is confirmed.

Gentlemen holding commissions in the Militia who are under a certain age can also pass direct into the regular service by examination.

A certain number of commissions are also open to cadets from the Royal Military College, Kingston, Canada, in the same way as to those at Sandhurst. Candidates for commissions in the Royal Engineers and Royal Artillery have to enter the Royal Academy at Woolwich, as I will explain further on.

The Military Educational Establishments besides those above mentioned are:—1st, the Royal Staff College, where officers go through a course of study, and finally have to pass an examination in order to qualify for Staff appointments; 2nd, the School of Gunnery at Shoeburyness; 3rd, the department of Artillery Studies, Woolwich, which teaches such

subjects as Applied Mathematics, Metallurgy, Armour Plates, Chemistry and Physics; 4th, the School of Military Engineering, Chatham; 5th, the School of Musketry, Hythe; 6th, the Army Medical School, Netley.

Officers below the rank of captain are called *Subalterns;* majors, lieutenant-colonels, and colonels, *Field Officers;* and above the latter grade, *General Officers.*

What is called *brevet rank* is given to officers, other than subalterns, in every branch of the army as a reward for brilliant and lengthened service. When officers desire to retire from active service on account of ill-health, wounds, &c., or when the strength of a regiment is reduced, they are, on obtaining permission from the authorities, put upon *half-pay,* which is little more than a moiety of the full-pay of their rank; they are, however, liable to be called upon to resume their duties.

The British Army is the only force in Europe that is composed of volunteers. The great military forces of the Continent depend almost wholly upon conscription; but in our service the ranks are filled by voluntary enlistment, and recruiting parties are stationed in all our large towns expressly for that purpose. Recruits are now enlisted under the provisions of the "Army Discipline and Regulation Act, 1879," which I have already noticed.

Any person offering to enlist must be taken by the "recruiter" before a justice of the peace, who puts to him certain questions set forth in the attestation paper, and, after seeing that his answers are duly recorded opposite the questions, requires him to make and sign the declaration as to the truth of the answers, and then administers to him the oath of allegiance. The date at which the recruit signs the declaration and takes the oath is deemed to be the date of his attestation, and from that date he is deemed to be enlisted as a soldier of her Majesty's regular forces. Aliens may now be enlisted in her Majesty's regular forces, but cannot hold any higher rank than that of a warrant officer or non-commissioned officer: moreover, the number of aliens serving together at any one time in any corps of the regular forces must not exceed the proportion of one alien to every fifty British subjects. By the "Army Enlistment Act, 1870," the number of men in the Militia and Army Reserve is limited to 60,000. A recruit receives £1 bounty and a free kit on

joining. If his conduct be good, he may rise to be a non-commissioned, and even a commissioned officer. In the latter case he is presented in the cavalry with £150, and in the infantry with £100, to purchase an outfit. The lieutenants' commissions given to men from the ranks average about one a month throughout the whole army.

The daily pay of a private soldier commences with one shilling in the infantry, and increases according to his merits and good conduct until, if he rises to the senior non-commissioned ranks, it amounts to between four and five shillings. Over and above all deductions for food, the private soldier of the line has about fivepence a day left to him to spend as he pleases. This may seem a small sum; but it must be remembered that his food and clothing are paid for, that he is provided with light, fire, and house rent free, as well as medical attendance; and that if he behaves himself well, he has good prospects of promotion, and the certainty of a pension for his latter days, provided he remains twenty-one years in the regular army. The majority of men in the ranks of life from which he springs are hardly as well off in some respects. An improvement in his mode of pay has long been contemplated. This is to be made by reducing the deductions from the shilling, until he has the twelve pence net, which most people think he has now.

On the 1st of April 1876 a system of what is called "deferred pay" came into operation. By it the sum of 2*d.* per diem is placed to the credit of each man, and on his discharge the amount is paid over to him in respect of all service dating from the 1st of April 1876, whether he has completed twelve years' army service or not. In the event of a man dying while in army service, the money will be paid to his representatives. The men of the Army Reserve have the option of being subject to the deferred pay system.

The cavalry are termed either *heavy* or *light*, according to the nature of their respective duties on service, and the manner in which they are mounted and armed. Our heavy cavalry, besides the three regiments of Household troops previously mentioned, consists of ten regiments, seven of which are known as "Dragoon Guards," and the other three as "Dragoons." We have at present eighteen regiments of light cavalry. Of these, five regiments are *Lancers*, so called from the weapon with which they are armed, and the re-

mainder *Hussars*—which name is derived from the Hungarian words *husz* (twenty) and *ar* (pay), because every twenty houses had to provide one horse-soldier.

Prior to 1881 the Infantry of the Line consisted of one hundred and ten regiments numbered consecutively from 1 to 109—one regiment being called the Rifle Brigade, and having no distinguishing number. The first twenty-five regiments had two battalions each, the remainder one battalion each, excepting the 60th Regiment (King's Royal Rifle Corps) and the Rifle Brigade, which were both four-battalion regiments. But in April 1881, the infantry of the line was formed into sixty-nine regiments, each bearing a territorial designation corresponding to the locality with which it was connected and where its depôt for recruiting and training purposes was placed. The first twenty-five regiments, being, as I have stated, two-battalion regiments, were comparatively untouched by the new arrangement, as they simply lost their old numbers. Nor were the two Rifle regiments before mentioned affected in any way beyond the "60th" losing its number. The remaining regiments, eighty-three in number, were formed into forty-two regiments of two battalions each, all except the Cameron Highlanders (late 79th), which were left as the only single-battalion regiment of the line. The senior regiment became in every case the 1st battalion of the new territorial regiment, and the junior regiment became its 2nd battalion. By this arrangement very many of the regiments, which were well known by their old numbers, entirely lost their identity, and are now either the first or second battalion of the territorial regiments into which they have been absorbed.

Further, under the General Order of April 1881, the Militia infantry regiments of each district were incorporated with the line battalions of their respective territorial regiments, and are now the "3rd," "4th," &c., battalions of such regiments —*e.g.*, "The Royal Fusiliers" (City of London Regiment) is composed as follows:—

Regulars	1st Batt. 2nd Batt.	7th Foot.
Militia	3rd Batt. (Royal Westminster). 4th Batt. (Royal London). 5th Batt. (Royal South Middlesex).	

"Royal regiments" wear blue facings; but regiments other than those called "Royal" wear facings indicative of their nationality—*i.e.*, English regiments wear white, Scottish regiments yellow, and Irish regiments green; but as a matter of fact there is only one Irish regiment in the army that is not Royal, and that one is the Connaught Rangers. All Scottish regiments wear the Highland doublet instead of the tunic. There are five regiments wearing the kilt—the other Scots regiments wearing trews or tartan trousers. The Rifle regiments, of which there are four, wear green uniforms.

Each battalion of Foot (excepting the Rifle battalions above mentioned) has two flags, a Royal or First Colour and a Regimental or Second Colour. Upon this second colour are emblazoned the arms or crest of the regiment, its badges, distinctions, and the names of the victories to which it has contributed, the whole ensigned by the Imperial Crown. No addition or alteration whatever can be made on any colour without the special authority of the Queen.

The two regiments of Life Guards, the Horse Guards, and the seven regiments of Dragoon Guards have "standards" instead of "colours." A standard is a rectangular flag of silk damask, embroidered and fringed with gold, and is thirty inches long, without the fringes, and twenty-seven inches wide. The three Dragoon regiments, the Royals, Greys, and Inniskillings, have "guidons" and not standards. A guidon is a flag forty-one inches long and twenty-seven inches high, slit in the fly and having the upper and lower corners rounded off at a distance of a foot from the end. Hussars and Lancers have no colours at all, neither have the Rifle regiments, nor the Artillery, nor the Engineers.

The badges and distinctions on the colours have all an interesting history. The white horse shows that the regiment fought on the Hanoverian side in the Stuart Rebellion of 1745; the castle and key, that it took part in the great siege of Gibraltar; the sphinx, that it fought under Abercromby in Egypt; the tiger, that it did good service in Bengal; the dragon, that it took part in the China campaigns. But our best plan, perhaps, would be to glance at each regiment in turn.

The two regiments of Life Guards wear scarlet. Like their uniforms, they are almost identical. They have borne their present title for just a century, but they were originally

raised in Holland in 1660 by Charles II. The Royal Horse Guards are popularly known as "The Blues," from the colour of their uniform. They are the only regiment of "horse" now in the service, and they are our oldest cavalry regiment, having in Parliamentary times been Colonel Anton Crook's Regiment of Horse. The Dragoon Guards all wear scarlet, except the sixth or Carabineers, and all wear brass helmets. The first regiment has red plumes, the second black, the third black and red, the fourth white, the fifth red and white, the sixth white, and the seventh black and white. The band on the forage cap affords another easy means of identification at a distance—the two Life Guards, the Blues, and the 9th Lancers have a red band; the Bays, the Greys, the Carabineers, the 13th Hussars, and the 17th Lancers have white bands, that of the Greys being vandyked; the rest of the cavalry have a yellow band. The Lancer regiments when in full dress are also distinguishable by their plumes—the fifth wearing green, the ninth black and white, the twelfth red, the sixteenth black, and the seventeenth white. The sixteenth Lancer regiment has a scarlet uniform, and is thereby distinguished from the ninth. The Hussars can be distinguished by their plumes and busby bags—the third have a white plume and a blue bag, the fourth have a scarlet plume and a yellow bag, the seventh have a white plume and a scarlet bag, the eighth have a red and white plume and a scarlet bag, the tenth have a black and white plume and a red bag, the eleventh have a crimson and white plume and a crimson bag, the thirteenth have a white plume and a buff bag, the fourteenth have a white plume and a yellow bag, the fifteenth have a red plume and a red bag, the eighteenth have a red and white plume and a blue bag, the nineteenth have a white plume and a white bag, the twentieth have a crimson plume and a crimson bag, and the twenty-first have a white plume and a grey bag.

The first dragoon guards are the King's Dragoon Guards, or, popularly, the K.D.G.'s. They date from 1685, but have borne their present title only from 1746. The second dragoon guards are "the Queen's Bays." They were raised in 1685 as the Earl of Peterborough's Horse, and received their present title in 1872, though they were popularly known as the Bays for many years before that. The third

dragoon guards were named "The Prince of Wales's" in 1765, and bear the then Prince of Wales's badges, the sun and red dragon, as their own. The fourth have been the Royal Irish Dragoon Guards for the last hundred years. The fifth were formed out of independent troops in 1685. Their motto, "Vestigia nulla retrorsum," was that of John Hampden's regiment in the Civil War. They have been "The Princess Charlotte of Wales's" regiment since 1804. The sixth has a blue uniform with white facings, and are officially known as "The Carabineers." The seventh, once "The Black Horse," were called "The Princess Royal's," after the eldest daughter of George III.

The first dragoons started in 1683 as the Tangierine Cuirassiers. Since 1751 they have been "The Royal Dragoons." They wear a scarlet uniform with blue facings, and have white metal helmets with black plumes. This is the regiment that at Dettingen defeated the Black Musketeers of France and took their standard; and at Waterloo the Royals captured the French eagle, in memory of which they have ever since borne an eagle on their standard. The second dragoons is the oldest dragoon regiment in the army. It was raised in 1678 as "The Scots Dragoons," but although it has been known as "The Scots Greys" for generations, it was not till 1866 that the title was officially bestowed on it. Its motto is "Second to none," and it bears an eagle on its standard in memory of the one Sergeant Ewart took at Waterloo. The Greys do not wear helmets; they wear bearskins in memory of their having at Ramillies annihilated the French King's Body Guard, captured its colours, and assumed its head-gear. The only other dragoon regiment in our service is the Inniskillings, now the sixth regiment of cavalry of the line. They wear white helmets with white plumes. They date from 1680, and were first under fire at the defence of Enniskillen and the battle of the Boyne. On their standard is the castle of Inniskilling, and the same castle is worn as a badge by the sergeants above their chevrons.

We may as well take the Lancer regiments next. The fifth are the "Royal Irish." They have scarlet facings and yellow stripes, and the sergeants wear a harp and crown above their chevrons. They are a very young regiment having been raised in 1858, but they bear the Marlborough honours, which were won by a regiment that once filled the same

place in the line. The ninth lancers were raised in 1715, and became a lancer regiment in 1816. They are "The Queen's Royal," after Queen Adelaide, in honour of whom they still wear A.R. on their caps and pouches. They have scarlet facings and scarlet stripes. The twelfth lancers were also raised to fight the Old Pretender. They became "The Prince of Wales's Royal" in 1817, and the sergeants wear the three-feathered plume above their chevrons. The other badges of the regiment are the sun and dragon, assumed by George IV. when Prince of Wales, and they also bear the sphinx for the first Egyptian Campaign. They have scarlet facings and yellow stripes. The sixteenth lancers is the only red regiment of lancers in the army. They date from 1763, and three years afterwards gained their title of "The Queen's" for services in Portugal. The seventeenth lancers were also raised in 1763, and wear the death's head and cross-bones in token of their first colonel's intention to avenge the death of Wolfe. They are the original Death's Head Dragoons; it was from them that the Black Brunswickers adopted the skull and cross-bones. Their facings, plume, and stripes are all white.

And now for the hussars. The third have been "The King's Own" since 1861. They were raised in 1685 as "The Queen Consort's Regiment of Dragoons," and were an off-shoot from the Royals. Their badge is the white horse, and their motto is the Hanoverian "Nec aspera terrent." The fourth hussars were raised as "The Princess Anne of Denmark's Regiment" in 1685. From 1818 to 1861 they were the Fourth Light Dragoons. They are now the "Queen's Own Hussars," and wear on their kettledrums the bright yellow cloths they won at Dettingen. The seventh hussars are also "Queen's Own." Their officers, like those of the Oxfordshire Light Infantry, have the peculiar privilege of wearing shirt collars when in undress. The eighth hussars were raised in 1693. They are now "The King's Royal Irish," and their sergeants wear the harp and crown above their chevrons, a badge granted to them in 1777, when they also got their motto—"Pristinæ virtutis memores." The tenth hussars became the Prince of Wales's in 1811, and wear the George the Fourthian plume, and sun and red dragon. The eleventh hussars are recognizable at once by their cherry trousers. They are popularly known as the

Cherubims, a joke requiring an interchange of vowels for its due appreciation. Officially they are "Prince Albert's Own," and their sergeants in consequence wear the late Prince Consort's crest and motto above their chevrons. The thirteenth hussars have buff facings; once their facings were green, whence their motto of "Viret in æternum." They were raised in 1715, and did wonderful work in the Peninsula, where they took part in thirty-two affairs besides general actions. So busy were they that they had no time to don their new clothes, and gained the sobriquet of "The Ragged Hussars," which clung to them for many years.

The fourteenth hussars are the last of the regiments raised at the time of the Jacobite rebellion. They wear the Prussian eagle above the sergeants' chevrons, and their orange facings, like it, are in memory of the Brandenburg princess, whom they once escorted. They are "King's Hussars," as also are the fifteenth, whose sergeants wear above their chevrons the royal arms in silver. In undress the fifteenth are recognizable by their scarlet forage caps. When they were light dragoons the fifteenth had engraved on their helmets the proud inscription: "Five battalions of French defeated and taken by this regiment, with their colours and nine pieces of cannon, at Emsdorf, 16th July, 1760"; and at Villiers-en-Couche another extraordinary deed of valour won them their scarlet plumes. The fifteenth was the first regiment in our army to be called "hussars," and, curiously enough, they were for years the last of the line to be so called, the three following regiments not being raised till 1858, though they bear the honours won by regiments that formerly bore the same number. Thus the eighteenth hussars bear Peninsula and Waterloo as their honours. They are easily distinguishable by their red and white plume. The nineteenth hussars—recently named "The Princess of Wales's Own"—bear the Assaye elephant above their sergeants' chevrons. The twentieth hussars bear Peninsula and Suakim (1885) as their honours, and have a crimson plume. The twenty-first hussars have their busby bag of French grey. A hussar, we may as well note in conclusion, is recognizable at a glance by the double stripe on his trousers.

The Royal Horse Artillery have red facings, red busby bag, white plume, and broad red stripe on their trousers.

The Field and Garrison Artillery now wear helmets instead of busbies, and the helmet differs from that worn by the rest of the army by having a ball instead of a spike. All the artillery have grenades on the collars.

The artillery has become in recent warfare the most important arm of the military service. The Royal Artillery is divided into brigades, which are again subdivided into batteries. This organization has many disadvantages, and there is a considerable feeling in favour of making the battery the *unit* instead of the brigade—that is, that all movements from one station to another should be regulated entirely by batteries, instead of by the more cumbrous movement of a whole brigade. The Artillery numbers nearly 30,000 officers, non-commissioned officers, and rank and file; but of that number at least one half are quartered in India and the colonies. There are three branches of the Royal Artillery—viz., Horse Artillery, Field Artillery, and Garrison Artillery; the two former are used for operations in the field and the latter for the defence and attack of fortresses. The gunners of the Field Artillery are carried on the limbers and ammunition waggons; those of the Horse Artillery are mostly mounted, and accompany the guns.

For the Royal Artillery the Territorial System is applied by the United Kingdom being mapped out into eleven districts:—

No. 1, Northern Division. No. 2, Lancashire. No. 3, Eastern. No. 4, Cinque Ports. No. 5, London. No. 6, Southern. No. 7, Western. No. 8, Scottish. No. 9, Welsh. No. 10, North Irish. No. 11, South Irish.

The Garrison Artillery has been formed into eleven brigades of nine batteries each, excepting three which have only eight batteries. These eleven brigades have been distributed amongst the above enumerated divisions, and the depôt of each brigade has been placed in some principal town in its respective division. Each of these brigades is now known by the name of the district in which it is centred, and is numbered in every case as the 1st Brigade of such division. The 2nd and following Brigades are formed from the Artillery Militia regiments of each district, and finally the Volunteer Artillery of each district composes the third portion of each division.

The Horse Artillery has been divided into two Brigades,

called "A" and "B," each consisting of thirteen batteries.

"A" Brigade recruits from Territorial Divisions Nos. 1, 2, 3, 7, 8, and 9; and "B" Brigade from the remaining divisions. The Horse Artillery depôt, consisting of two batteries, is located at Woolwich, where also are situated the riding and remount establishments for the entire artillery force.

The Field Artillery has been divided into four Brigades, the 1st of which, with twenty-four batteries, recruits from Territorial Divisions Nos. 1, 2, and 3; the 2nd Brigade, with nineteen batteries, draws on Divisions Nos. 4, 5, and 6; and the 3rd and 4th Brigades, with eighteen batteries, each recruit respectively from Divisions Nos. 7, 8, and 9; and Nos. 10 and 11.

The Royal Engineers, the rank and file of which corps was formerly called the "Royal Sappers and Miners," is also a most distinguished and useful branch of the service. It is charged with the construction of fortifications and entrenchments for the army in the field, and to carry on mining operations. It conducts siege operations, constructs bridges and pontoons for crossing rivers, and other necessary works. It has also charge of the "Field Telegraph," both in laying down and working, and it has also a Torpedo Company.

The uniform of the Royal Engineers is scarlet, and the facings of the officers are of blue velvet.

Commissions in the Engineers and Artillery are obtained as follows:—Candidates between the ages of sixteen and eighteen, whose names have been duly submitted to the authorities for approval, have to enter the Royal Military Academy, Woolwich—passing an examination—and after undergoing a course of study and training for a certain number of terms at that establishment, have to obtain a certain number of marks at a final examination for commissions. There are generally about eight or ten commissions in the Royal Engineers, and from twenty to thirty in the Royal Artillery, to be competed for at each examination. The cadets who obtain the highest number of marks in this final examination receive commissions in the Engineers, and the remainder pass into the Artillery. It is, however, optional with a cadet, who has passed sufficiently well for the Engi-

neers, to elect to serve in the Artillery if he so desires, and this frequently happens.

After the Engineers rank the infantry, headed by the Household Brigade, consisting of the three regiments of Guards. The first regiment, the Grenadiers, is recognizable by its wearing its buttons at equal distances; the second, the Coldstreams, wears its buttons in twos; the third, the Scots, wears its buttons in threes. All three regiments wear bearskins, but the Grenadiers have a white plume on the left side, the Coldstreams have a red plume on the right side, and the Scots Guards have no plume at all. Further, for such trivialities are not uninteresting, the Grenadiers have a red band to their forage caps, the Coldstreams have a white band, and the Scots have a diced band of red, white, and blue; and a still further distinction is the collar badge, the Grenadiers having a grenade, the Coldstreams a garter star, and the Scots Guards a thistle star. The Grenadiers won their title at Waterloo, when they defeated Napoleon's Grenadiers of the Guard. Previous to that they were the First Foot Guards. They were raised in 1660. The Coldstreams are their seniors. They are the only Parliamentary foot regiment that was not disbanded at the Restoration. They won their scarlet plume at Neerlanden in 1693. The Scots Guards date from 1661. Like the Coldstreams, they have the Abercrombian sphinx on their colours, the Grenadiers having the grenade.

The first regiment of the British line is the Royal Scots, and it is the oldest regiment in the world. They are the representatives of the Scottish Archer Guard of France and the Scots Brigade of Gustavus Adolphus, and they were claimed for the service of their native land by Charles II. in 1661. They have a wonderful record of victories on their colours. Their collar badge is a thistle, and their shoulder-straps bear R.S.; they wear the tartan trews, not the kilt. "The Queen's," or Royal West Surrey, now ranking next to them, were once Kirke's Lambs, and still wear Catherine of Braganza's lamb on their collars. The Buffs, ranking next, are the only regiment of foot having buff facings. They have the Kentish white horse on their collars and E. Kent on their shoulders. Once upon a time they were recruited from the London train bands, and it is even said that they fought under Sidney at Zutphen, but they did not enter the British

service in proper form until 1665, when Charles claimed them from the Dutch. "The King's Own" Royal Lancaster, late the Fourth Foot, has the lion of England on its collars, which it received from William III.

The Northumberland Fusiliers, like all the fusilier regiments, except the Royal Scots Fusiliers, have a sealskin busby instead of a helmet; and, like all fusilier regiments, they have a grenade on both collar and shoulder-strap in addition to the regimental badge. The Northumberland Fusiliers bear St. George and the Dragon on the grenade ball; the Royal Fusiliers have a rose on the ball; the Lancashire Fusiliers have a plain grenade with L.F. on the shoulder-strap; the Royal Scots Fusiliers have a thistle on the ball; the Royal Welsh Fusiliers have W.F. on the shoulder-strap; the Royal Inniskilling Fusiliers have the castle of Inniskilling on the grenade; the Royal Irish Fusiliers have an eagle in a wreath on the ball; the Royal Munster Fusiliers have a tiger on the ball; and the Royal Dublin Fusiliers have a tiger and elephant on the ball.

The Northumberland Fusiliers won their fur caps at Wilhelmstahl in 1762 by defeating the French Grenadiers, and their white plume tipped with red is in memory of the blood-stained white feathers they picked from the hats of the slaughtered French at the capture of St. Lucia. Like the next regiment in order, they came over from Holland under William of Orange in 1688. This, the Royal Warwickshire, once the "Saucy Sixth," has the bear and ragged staff and the antelope for its badges. The seventh, now the Royal Fusiliers, was raised in London three years before. The Liverpool regiment, "The King's," has the red rose and white horse for its badges; the Norfolk regiment has Britannia and the castle of Norwich; the Lincolnshire regiment has an eight-rayed star and a sphinx; the Devonshire has the castle of Exeter inside a circle on a similar star; the Suffolk has the castle and key in memory of Gibraltar.

Like all light infantry, the Somersetshire wear as a badge the bugle or horn; the Somersetshire, which is "Prince Albert's," being further distinguishable by the mural crown for its glorious defence of Jellalabad, and by its sergeants wearing their sashes over the left shoulder.

The West Yorkshire—"The Prince of Wales's Own"—has the Prince of Wales's plume and the tiger and white

horse as its badges; the East Yorkshire has the white rose within an eight-rayed star; the Bedfordshire has a white hart crossing a ford; the Leicestershire has a tiger in a wreath; the Royal Irish has the arms of Nassau, and bears R.I. on its shoulder-straps. The "Princess of Wales's Own Yorkshire" regiment, ranking next in precedence, wears as collar badge the Princess's cipher and a Danish cross. The Lancashire Fusiliers are the old twentieth of the line, the "double exes" that first crossed bayonets with the French at Maida. The Royal Scots Fusiliers—once "The Earl of Mar's Grey Breeks"—now wear the doublet and tartan trews.

The Cheshire regiment, the old "two twos," has the collar badge of acorn and oakleaf; the Royal Welsh Fusiliers have the "flash" behind their necks, marking the ribbon of the old queue; the South Wales Borderers have the sphinx for their collar-badge, and bear on their shoulder-straps the initials S.W.B. The King's Own Scottish Borderers have the castle of Edinburgh on their collars and K.O.S.B. on their shoulder-straps; they are a Lowland regiment, and consequently wear the doublet and trews. The Scottish Rifles, formed of the old Cameronians and the ninetieth, are now a Rifle regiment, and consequently have no colours or collar badge. They have a dark green uniform, with dark green facings, and S.R. on the shoulder-straps. The old twenty-sixth was raised by the Earl of Angus, whence the mullet which used to be its badge. The Royal Inniskilling Fusiliers are a combination of the old Inniskillings and the hundred-and-eighth. The Gloucestershire are the old twenty-eighth and the sixty-first, and still have the twenty-eighth's honour of wearing a back plate to the helmet in memory of the defeat of the French cavalry at Alexandria, when the regiment in double line was charged in rear and front at the same time, and simply rear-rank-right-about-faced and settled the French on both sides. The collar badge is the sphinx over "Egypt" with two twigs of laurel. The Worcestershire have as their collar badge a silver lion on an eight-rayed star, with the motto of "Firm"; the East Lancashire have the red rose of Lancaster; the East Surrey have the Guildford arms; the Duke of Cornwall's Light Infantry have the well-known Cornish arms; the Duke of Wellington's (West Riding) regiment, consisting of the old [illegible] and

seventy-sixth, wear the Leswarree elephant of the seventy-sixth as the collar badge.

The Border Regiment has for its collar badge a dragon in a laurel wreath, the wreath being in remembrance of the way in which the old thirty-fourth covered the retreat at Fontenoy. On the colours there appears the unique distinction of Arroyo dos Molinos, where in 1811 the old regiment won the right to wear the red and white pompon as a record that it, the 34th of the British line, there met and beat the 34th of the French line, and captured the drums and drum-major's staff, which for many years afterwards were used by the Borderers to save buying new ones. The Royal Sussex, made up of the old 35th and 107th, has for its badge the Maltese cross on a feather; the 35th, when the "Orange Lilies," were at the capture of Quebec in 1759, and they were also at Maida. The Hampshire regiment has the rose for its collar badge; the South Staffordshire has the county knot. The Dorsetshire has the castle and key and the sphinx over "Marabout:" it is made up of the old 39th and 54th; the 39th were at Plassey, whence the motto of "Primus in Indis," and they were at Gibraltar, whence the castle and key. The South Lancashire are "The Prince of Wales's Volunteers," and display the plume. The Welsh bear the national dragon.

There are five regiments of Highlanders now in the British service. These are the Royal Highlanders, or Black Watch, made up of the old Black Watch and the old 73rd; the Seaforths, made up of the old 72nd and 78th; the Gordons, made up of the old Lowland 75th and the old Highland 92nd, the latter strangely enough being the second battalion; the Camerons, alone of the regiments of the army left a single battalion uncombined and untouched by reorganization; and the Argyll and Sutherland, formed of the old 91st and 93rd. The Black Watch have R.H. on their shoulder-straps; the Argyll and Sutherland Highlanders A. and S.H.; the others have the name in full. The Black Watch have their peculiar tartan; the Seaforths wear the Mackenzie tartan; the Gordons and Camerons wear their clan tartans. The tassels on the sporrans can also be used as a means of identification.

The red hackle in the Black Watch cap commemorates Guildermalsen, fought in 1795; their collar badge is St.

Andrew and his cross. The Oxfordshire Light Infantry, ranking next to them in the line, have a button bugle and strings; the Essex regiment has the three seaxes; the Derbyshire, or "Sherwood Foresters," have a Maltese cross and a stag in an oak crown; the Loyal North Lancashire were formed out of the old 47th and 81st regiments, and, as the 47th was Wolfe's own, the officers wear a black worm in their lace in memory of that general's death. The Northamptonshire men can be recognized by the horseshoe on their collars; the Berkshires have the old dragon of Wessex; the West Kent have a crown and Hengist's horse, and their officers wear blue velvet facings; the Middlesex have with their badges the motto "Albuhera," their first battalion being the old 57th, whose deeds in that terrible battle Napier has immortalized. The King's Royal Rifle Corps, once the Royal Americans, has scarlet facings, thereby differing from the Rifle Brigade, which has black. The Wiltshire are the Duke of Edinburgh's, and wear his cipher on their collars; a "splash" on their buttons was granted to them in memory of their having had to fire away their buttons for bullets at Carrickfergus in 1790. The Manchester regiment has the sphinx and Manchester arms as its badges; the North Staffordshire has the familiar knot; the York and Lancaster has Y. and L. on the shoulder-strap; the Durham Light Infantry is recognizable by the bugle; the Highland Light Infantry is the only regiment in the army now wearing the shako, and although a Highland regiment the men wear trews. The Seaforth Highlanders have as badges an elephant and an F, which is the cipher of the late Duke of York; the Camerons have a thistle and crown. The Royal Irish Rifles have R.I.R. on their shoulder-straps; the Royal Irish Fusiliers have, however, only I.F. on their straps. The Connaught Rangers have Connaught on their straps; the Princess Louise's Argyll and Sutherland Highlanders, ranking next after them, have as collar badges two wreaths, with the Campbell boar in one, and the Sutherland cat in the other. The Leinster regiment has the Prince of Wales's plume for its badge. The Royal Munster Fusiliers have M.F. on their shoulder-straps, and the Royal Dublin Fusiliers have D.F.

The Royal Marines, when acting with the troops of the Line, take rank next to the Berkshire Regiment. They are

distinguishable by the globe on their shoulder-straps. The Rifle Brigade ranks next to the Argyll and Sutherland Highlanders.

There are also two local corps belonging to the British army which never serve in Great Britain and Ireland—viz., the West India Regiment, which serves in the West Indies and at Sierra Leone, and the Royal Malta Fencible Artillery, for the defence of that island.

The following is the order of precedence of the several regiments and corps of H.M.'s Service, viz. :—

1st. The regiments of Life Guards and the Royal Horse Guards.

2nd. The Royal Horse Artillery; but on parade with their guns, this corps takes the right and marches at the head of the Household Cavalry.

3rd. The regiments of Cavalry of the line, according to their number and order of precedence.

4th. The Royal Regiment of Artillery.

5th. The corps of Royal Engineers.

6th. The regiments of Foot Guards.

7th. The regiments of Infantry of the Line, according to their order of precedence.

8th. The Departmental Corps—*i.e.*, the Army Service and Army Hospital Corps.

Offenders against military discipline are tried before *Courts Martial*, composed of officers selected from the regiment or the garrison in which the prisoner serves. The Judge Advocate-General, who is a civilian nominated by Government, has the control of these tribunals. A Deputy Judge Advocate, generally an officer, attends every *general* Court Martial, which assembles for the trial of very grave offences, and sees that it is conducted according to law—*Garrison* and *Regimental* Courts Martial being for minor offences. A Court Martial consists of a president and from four to twelve members, according to the nature of the Court. The charge against the accused, which must be in proper form, is read over to him, and the evidence against and for him heard and reduced to writing. This done, the prisoner is ordered to withdraw, and the Court deliberates upon its verdict, which, as well as the punishment to follow it, should it be one of "guilty," is decided by a majority. In the case of an equality of votes on the finding, the prisoner is deemed

to be acquitted. In the case of an equality of votes on the sentence, or on any question arising after the commencement of the trial except the finding, the president has a casting vote. The "proceedings," comprising the charge and evidence, are then submitted to the General Commanding the District in case of a District Court Martial, to the Field-Marshal Commanding in Chief in case of a General Court Martial, and to the Colonel of the Regiment in case of a Regimental one, who either "approves and confirms" them, or sends them back for further consideration, or sets them aside altogether. The result of the trial is not allowed to transpire, even to the prisoner, until this officer's decision is made known.

The rewards for long and meritorious service which are bestowed upon our brave defenders form a more pleasing subject than the last; these are given in the shape of titles, pensions, promotions, and decorations. The Sovereign has, as you know, the right of bestowing any distinction upon a subject. Peerages and baronetcies are frequently given to the heroes of great military achievements.

A medal for "distinguished conduct in the field" was instituted in 1854, and is bestowed on non-commissioned officers and privates for exceptional gallantry before the enemy. And there are a "long service and good conduct medal," and a "meritorious service" medal for sergeants only, which are occasionally granted.

Medals are struck to commemorate successful actions or campaigns, and are distributed to and worn by all ranks that have taken part in them. The medal itself commemorates the campaign, and clasps are added to its ribbon, upon each of which is engraved the name of the particular action for which the wearer has received it.

Pensions are given to non-commissioned officers and privates, who from wounds or infirmities are no longer fit for service. *Out*-pensioners receive their pay, and live where they please. *In*-pensioners are lodged and maintained in the hospitals at Chelsea in London and Kilmainham in Dublin.

It is now necessary to speak of the *Auxiliary* forces, and first of the ancient constitutional guardian of our shores, and which of late years has proved such an admirable nursery for the regular army—the *Militia*. This term, in its general sense, signifies the whole body of persons, paid or

unpaid, who bear arms for the defence of the State; but now its meaning is restricted to the forces raised in our counties and for service in them. Formerly the Militia was raised by ballot—every person upon whom the lot fell was bound to serve or find a substitute—but now its recruits are enlisted as in the regular army. Every county has its regiment of Militia, the more populous having several: thus Middlesex has five, Lancashire eight, and Yorkshire nine. The following table shows the number of Militia regiments in the United Kingdom:—

	Artillery.	Engineers.	Infantry.	Total.
England and Wales.	16	3	79	98
Scotland . . .	5	—	11	16
Ireland . . .	14	—	31	45
Total . .	35	3	121	159

All the artillery corps are established in counties upon the sea-coast. Militia regiments are generally called together once every year for training, during a period of twenty-eight days, or longer, at the option of the Government. Under recent Acts of Parliament the Militia may be permanently embodied, and even sent abroad. During the war with Russia, many garrisons, both at home and in the Mediterranean, were manned by Militia regiments so embodied, much to their own credit and greatly to the advantage of the State, for we were thus enabled to withdraw the regular troops from those places, and to send them to reinforce our hard-worked battalions before Sebastopol. Moreover, the Militia supplied thousands of recruits for the line—men who had had some experience of a soldier's life, and were already more than half-trained to their duties. The officers and men of the Militia, except the adjutant and staff, are only paid when called out for training, or as long as they are embodied. Commissions in the Militia are given by the Secretary of State for War on the recommendation of Lords Lieutenant of the counties.

In the Channel Islands there are ten regiments of Militia, comprising four regiments of artillery and six of light infantry. Service in the Channel Islands Militia is compulsory.

A somewhat similarly constituted force to the Militia is the Yeomanry Cavalry, which consists at present of thirty-nine

regiments—thirty-five of which are English and the rest Scottish.

Ranking next to the Militia and Yeomanry we have the Volunteers. Owing its origin to the dread of a French invasion, the force has survived the cause from which it sprang, and has now become a most important and a permanent element in our system of national defence. The various Rifle Corps are now associated with the Territorial Regiments of their respective districts, and are designated 1st, 2nd, 3rd, and so on Volunteer Battalions of such Territorial Regiment.

The Government grant annually voted by Parliament in order to defray a portion at least of the necessary expenses of the various corps, and to provide for the pay of the Staff, is allowed at the rate of £2 10*s.* for every officer and non-commissioned officer holding a certificate of proficiency; and £1 15*s.* for every man who fulfils certain drill and shooting requirements in the year. At least two-thirds of the enrolled strength of a corps must be present at inspection, and at least one-half at the annual brigade drill. Failure in either case may entail the stoppage of the capitation grant. A special capitation grant of £3 5*s.* is made for Engineer Volunteers efficient in submarine mining, one of £1 10*s.* is made for officers passed in tactics and signalling, one of two shillings for men having a greatcoat, and one of one shilling for miscellaneous outlays of engineers.

The Volunteer system has been introduced into our colonies, and in many cases the defence of the colony is entrusted entirely to the local Volunteers and Police.

Before concluding my letter I should say something about the *Army Reserve*. When the 1870 war between Germany and France resulted in the sudden collapse of what had been considered the greatest military Power on the Continent—a Power possessing a standing army of some 600,000 men, and a military population to back them up of almost unlimited extent—Great Britain began to open her eyes to her own condition, and to say if by any mischance her fleet should be either evaded or defeated, what had she, for a second line, to oppose to an invader? Her regular troops were second to none in the world, but what could 60,000 men do—however good they might be—against an enemy of ten times their number? There were the Militia and the Volunteers

to aid the regular troops, but their discipline was not of the highest order; and the way in which the raw conscripts of France were trodden under foot by the disciplined forces of Prussia—after the regular army had been subdued—showed how little dependence could be placed on undisciplined valour. And the attempt was made not only to work the Army, the Militia, and the Volunteers into one harmonious whole, but to supplement them by a population who would have passed a certain time in the regular army, and would in time of peril be ready to return to the ranks and fight for their country.

It was said by many that recruits would not be forthcoming, from time to time, in sufficient numbers to keep up the requisite strength of the army, as men were drafted into the Reserve. It was also said that, in the event of any difficulty arising by which this country might be involved in a war with any of the Continental Powers, the men who had been drafted into the Army Reserve would not come forward when called on to rejoin the colours.

But there has been apparently no difficulty whatever in finding a sufficiency of suitable recruits for all purposes. And how utterly groundless was the anticipation that the men of the Army Reserve, when required for service, would be found wanting, the spring of the year 1878 clearly showed. At that time, when matters in the East looked threatening, and the probability of Great Britain being engaged in war with Russia was imminent, the men of the Army Reserve were called out. How splendidly they responded; with what cheerful alacrity and courage the men came pouring in to the various centres to rejoin their regiments from all parts of the kingdom, is now a matter of history. Many of them gave up lucrative civil employment; and those who, either from unwillingness or sickness, or absence at sea (as happened in some cases), failed to appear and report themselves, were but three per cent. of the whole.

Recruits are now enlisted for seven years' Army service and five years' Reserve service, extended to eight years' Army service and four years' Reserve service if the period for Army service expires while the man is serving abroad. In the Foot Guards short service consists of three years' Army service and nine years in the Reserve. In case of war, soldiers are liable to be retained for an additional year. In

the Household Cavalry men can enlist for a long service period of twelve years; and in the rest of the army all non-commissioned officers, after a year's probation, have a right to extend their services to that limit. Soldiers of the Foot Guards can at any time during their service with the colours extend their service to seven years, and in the seventh year can further extend it to twelve. Sergeants of all regiments have the right to re-engage to complete twenty-one years' service at any time after they have served nine years; corporals, bandsmen, and artificers are similarly allowed to re-engage after nine years' service; and other soldiers of good character, and recommended by their commanding officers, are permitted to re-engage during their twelfth year of service. By these means a nucleus of experienced men is kept in the regiment.

The Army Reserve now numbers 55,200 men, and comprises two classes. The first class consists of 52,000 and the second of 3200. There is a Militia Reserve constituted on similar principles, and consisting of 30,000 men.

The total strength of the British Army in 1888 is stated in the following summary:—

Forces (Regimental), Home and Colonial Establishments, exclusive of men serving in India . .	139,801
Militia (including Permanent Staff and Militia Reserve and Channel Islands Militia) . .	141,593
Volunteers (including Staff)	257,834
Yeomanry Cavalry	14,255
Army Reserve	55,200
Total Home and Colonial Establishments .	608,683
Regular Forces (Regimental) on Indian Establishment	71,691
Total .	680,374

But no estimate of the means of military defence possessed by the Empire would be complete without including the Indian Army and Police, the numerous Colonial Forces, and the thousands who have passed through the ranks of the Home Auxiliary regiments, and form our Volunteer Reserve.

LETTER XIV.

THE CIVIL SERVICE.

Nature of the Civil Service—Board of Trade—Patents for Inventions—Audit Office—Public Record Office—Paymaster-General's Office—Military Offices—Woods and Forests—Office of Works—General Register Office—Births, Marriages, and Deaths—The Census.

THE Civil Service is the name now used collectively for all the civil offices under the Crown. Every one holding a post under the Government that is not a legal, naval, or military post, is called a Civil Servant, from the Prime Minister down to the telegraph messenger. The influence of the Civil Service is very great. It has the entire control over all the affairs of the country, including all civil matters connected with the Army and Navy. It superintends the customs and revenues and collects all taxes. It accounts for the national expenditure. It builds ships for the Navy, and regulates the clothing, ammunition, and transport of the Army. It controls the governments of our various colonies. In fact, the Civil Service is, in other words, the machinery which carries on the government of the country.

This machinery is divided into departments, and at the head of each department is a Minister of the Crown, or some great political or financial functionary, who is aided by a staff of clerks to assist him in the discharge of his duties. These clerkships have, since 1855, been open to a species of limited competition, and are much coveted. They are, however, not open to the public, as every candidate, before competition, has to obtain a nomination from some member of the Government, allowing him to go up for his examination—a very difficult thing to get now-a-days. Every natural-born subject

of her Majesty, being of the requisite age, health, and character, may go in for these examinations, with some very few exceptions.

The chief departments we have already dealt with. We have seen the work of the Treasury, the Privy Council Office, the Inland Revenue Board, the Board of Customs, the Post Office, the Home Office, the Local Government Board, the Foreign Office, the Colonial Office, the India Office, the War Office, and the Board of Admiralty, and we will devote a special chapter to the Education Department. Of the duties of the more important offices that remain we will here give a brief account.

BOARD OF TRADE.—In 1655, Cromwell appointed his son Richard chairman of what was practically a Commission to consider by what means the traffic and navigation of the Commonwealth might best be promoted and regulated, but the result was intangible, and the first establishment of a working Trade Council was really made by Charles II. The somewhat feeble existence of this body eventually came to an end, receiving its death blow at the hands of Edmund Burke in 1780. The Board, as it now stands, was appointed in 1786, as a Committee of the Privy Council. Its business for many years consisted in advising the other Government offices in matters connected with trade and the collection of revenue therefrom, and in receiving and digesting the national statistics generally. But in time came the rise and development of joint-stock companies, the establishment of railways, the growth of the ocean carrying trade, and the extension of manufacturing and industrial enterprise, all necessitating restriction and supervision, and all adding to the Board of Trade's multifarious duties.

As at present constituted the Board consists of a President, who, being a political partisan, holds office only during the life of the Cabinet, and the First Lord of the Treasury, the Chancellor of the Exchequer, the chief Secretaries of State, the Speaker of the House of Commons, and, for some reason not apparent at first glance, the Archbishop of Canterbury. The deliberations of the Board are, however, of little more importance than those of Richard Cromwell's Commission, and in reality the Board is an executive department managed entirely by the President and his permanent officials. It has seven departments, dealing respectively with Commerce

and Statistics, with Railways, with Shipping, with Harbours, with Fisheries, with Bankruptcy, and with Finance. The Commercial Department is the representative of the Board as constituted in 1786. It advises the Government on commercial matters whenever the Government sees fit to consult it. To it was joined in 1832 the then newly created Statistical Department, which collects, analyses, and periodically publishes the huge mass of figures held to be essential to a correct knowledge of the nation's progress and position. The Railway Department dates from 1840. It inspects the railways before they are opened, inquires into the causes of accidents, reports on the alterations in charges, examines and approves bye-laws, and appoints arbitrators in cases of dispute. It also controls the tram lines much as it does the railways, and it also supervises the Metropolitan gas companies. The Marine Department dates from 1850. Its business is the welfare of the British seaman in every part of the globe, his health, his discipline, and his daily life, the competency, care, and behaviour of his officers, and the comfort and seaworthiness of his ship. The Harbour Department parted company with the Marine Department in 1866. Its duties are more varied than its name would indicate. It concerns itself with harbours, lighthouses, pilotage, and such necessities of safe navigation within sight of our coasts. It has charge of all foreshores belonging to the Crown; it provides and maintains the standard of weight and measure; it guarantees the quality of the coin of the realm, and it acquaints itself with the lighting powers of our gas, and the exploding properties of our petroleum. The Fisheries Department has at present only such duties as might be fairly expected from its name. The Bankruptcy Department was constituted under Mr. Chamberlain's Act, and through it all bankruptcy proceedings throughout the country are controlled. The Financial Department has charge of the accounts of the Board; it administers many of the funds existing for the benefit of sailors, and it reports to Parliament on the accounts of life assurance companies.

An important branch of the Board of Trade is the Patent Office. Applications for letters patent for inventions have to be made on a stamped form, for which a pound has to be paid. The application has to be accompanied by a provisional specification or outline of the invention in duplicate,

and a drawing, if necessary, in triplicate. The application is then considered by the Comptroller-General of Patents, who issues his certificate of acceptance, which is forthwith published in the Official Journal of the Patent Office. This gives the patentee provisional protection for nine months. From this moment the patentee may work and publish his invention without prejudice to the letters patent to be obtained later on, but as a rule it is safer to delay publication until the filing of the final specification before the lapse of the nine months. The final specification has to be engrossed on paper of special dimensions impressed with a £3 stamp, and accompanied, if necessary, by drawings in duplicate on imperial drawing paper and thin Bristol board. The patent right lasts for fourteen years. To continue it during that period £50 must be paid before the end of the fourth year, and £100 before the end of the seventh year, or certain payments on account can be made annually. The idea of those who drew up these regulations was that the inventor should attend to all this official business himself; as a matter of practice the inventor will find it pay him better in the long run to employ one of the so-called patent agents, whose business it is to make themselves acquainted with the latest fees and routine.

Another important duty assigned to the Board of Trade is the registration of trade marks. Another is the supervision of emigration. But we need not go through its duties in detail.

Of the other Government Offices there are the *Office of the Registrar of Friendly Societies;* the *Audit and Exchequer Office,* which inspects the whole of the public accounts and investigates all advances of money on behalf of the public service; the *Public Record Office,* which contains all our valuable national archives; the *Paymaster-General's Office,* which superintends the payment of the Naval, Military, and Civil Services; and the *Military Offices,* which are those of the Commander-in-Chief, Adjutant-General, Quartermaster-General, and Judge Advocate-General, and are all under the immediate control of the Commander-in-Chief, and under his direction govern all movements of troops, grant commissions, and make the necessary staff and other appointments, though in all matters relating to pay and allowances these departments are controlled by the Secretary of State for War.

Then there are the *Parliament Offices*, which have special duties in connection with the House of Lords and the House of Commons; the *Copyhold, Inclosure, and Tithe Commission Office*, which facilitates the enclosure of all waste lands not within a prescribed distance of any city or town; and the *Ecclesiastical Commission Office*, which was established in 1834 for the purpose of equalizing the incomes derived from bishoprics, Church livings, and clerical offices, for the general management of Church property, and to organize a proper distribution of the Church funds. Added to these are the *National Debt Office;* the *Mint;* the *Woods, Forests, and Land Revenues Office*, which has the entire management of the royal forests and woodlands, and the manors and lands of the Crown in Great Britain and Ireland, and through which all sales, purchases, and exchanges of the Crown or public property are made, subject to the sanction of the Treasury; and there is the *Office of Works*, which controls all expenditure connected with the maintenance or repair of the Royal Palaces and the erection and furnishing of the chief public buildings and offices, and regulates all the great metropolitan improvements and submits to the Treasury all estimates of the cost of public works.

A purely administrative office of increasing importance, in which every native of this country is interested, is the *General Register Office.* Every child born in the kingdom has to have its birth registered by one of its parents, or other person likely to know, within six weeks of its occurrence in the books of the local registrar for the district in which the birth took place. There is no charge for this registration, but the wise parent procures from the registrar a copy of the entry, for which a small fee is charged. This certificate of birth is required in applying for nearly all Government employments, and on many other occasions through life, and it is well that the child should be furnished with it at the outset. There is a penalty for non-registration of birth, but despite this a few foolish persons omit to fulfil their duty in this respect, and, by depriving their children of legal evidence of age, practically handicap them for life. The local registrar is in communication with the General Register Office in Somerset House, and in the books at that office there appears the name of every child whose birth has been recorded since the Registration Act came into force. Should at any time a

certificate of birth be required, it can be obtained for two shillings and sevenpence at Somerset House, providing the date and district of the birth are known. It was Thomas Cromwell, whose destruction of monasteries and general damaging of Church property is so often ascribed to his greater namesake, who, when Vicar-General in 1522, introduced the system of registering baptisms, marriages, and burials, but it was not till within comparatively recent years that the State has provided a department with full control in the matter, and the compulsory registration of the birth, with the necessary naming of the child, replaced the voluntary registration of baptism.

Marriages are also registered. If they take place in church or chapel the ceremony is according to the custom of such church or chapel; but should the parties see fit they can be married by the certificate of the superintending registrar of a district, either with or without licence. If without licence notice has to be given to the registrar after the parties have resided in his district for a week at least, and the notice is inscribed in the "marriage notice book," which is open to public inspection, and the notice is hung up for three weeks in a conspicuous part of the registrar's office. At the end of the twenty-one days, the certificate is issued, and at any time during the next three months the marriage can take place, either in a place of worship or the registrar's office, or according to the usages of the peculiar creed which the parties may profess. If the marriage is to take place with licence, the parties must have resided for fifteen days in the district, and lodge declarations that there is no impediment, and that the necessary consents, if any, have been obtained; there is no notice, and the certificate with the licence can be obtained the day after the entry is made.

All deaths have also to be registered. The persons charged with the duty are the nearest relatives of the deceased present at the death, or other person likely to be a trustworthy witness. The information must be given to the registrar within five days of the death, and it must be accompanied by a certificate of the cause of death, signed by a registered medical practitioner, if any such attended the deceased. Unless the registrar's certificate be obtained no burial can take place. As with births and marriages, so

with deaths, every entry finds its way to Somerset House for future reference.

The chief of the General Register Office is the Registrar-General, one of whose most important duties is the taking of the census of the country every ten years. The first census was taken in 1801. Previous to that year there had been no official return of the population of either England or Scotland. The first census which included the population of Ireland and the Channel Islands from actual figures, instead of estimates, was taken in 1821, when the total population of the United Kingdom proved to be twenty-four and one-third millions.

LETTER XV.

EDUCATION.

The Committee of Council—The Elementary Education Act—The Work of the Education Department—The Code—School Boards—Compulsory Education—Its Reasonableness—The Science and Art Department—Distribution of the Grant—Local Committees—Number of Students—Technical Education.

THE Privy Council, that once used to do the whole work of the State, and has now in so many instances a nominal authority over so many departments, has a real authority in perhaps the most important subject that can engage a nation's rulers. It was in 1853 that there was created the "Committee of Council for Education," to which the educational arrangements of the country were entrusted. Three years afterwards the Committee was rendered more efficient by the appointment of a Vice-President, and it now consists of most members of the Cabinet, those most needful for its work being the Chancellor of the Exchequer and the Secretary of State for the Home Department.

Before 1870 the function of the Committee consisted entirely in the administration of such grants of money as were annually voted by Parliament for educational purposes. These purposes were, and are, the establishing and support of training colleges, the furnishing of schools and supply of proper apparatus, the payment of pupil teachers and the grants in aid of school funds, in accordance with the regularity of the school children's attendance and their success in examination. But in 1870 the famous Elementary Education Act was passed, and now the Committee is responsible for seeing that every one of the local areas into which the country has been marked out has a sufficient amount of accommodation in public elementary schools available for all the children resident

therein, and in case of such not being the case to direct its increase by either voluntary or compulsory methods.

The chiefs of the staff of this, the National Education Department, are a secretary and four assistant-secretaries—three for England and one for Scotland. The Vice-President is practically the department's parliamentary secretary, though his position is one of considerably more importance than that of parliamentary secretary in other branches of Government administration. Nearly all the current business of the Department is conducted by him. It rests with him to bring only so much as he pleases to the notice of his chief, although no new rule is made and no alteration effected without the President's sanction.

The work of the Committee in administering the education fund annually voted by Parliament is mainly regulated by the Code, which is a minute issued every year by the Committee of Council setting forth the conditions under which payments will be made to the schools. These minutes are always submitted for approval at one of the meetings of the Committee, and, when passed by them, are laid upon the tables of both Houses of Parliament for a month before their provisions take effect. By this and by the reports presented annually by the Inspectors of Education, Parliament is enabled to exercise its control over the Department's proceedings. There is one Code for England and Wales and another for Scotland, the whole educational system of which country is administered under a separate Act of Parliament.

Throughout England and Wales school districts are constituted, and it is the duty of the Education Department to take the necessary steps to provide suitable accommodation in public elementary schools for all children between the ages of five and thirteen resident within the district, for whose elementary education satisfactory provision is not otherwise made.

Where the Education Department are satisfied after inquiry that such accommodation in any district is insufficient, and if after notice they find that the required accommodation has not been supplied, nor is in the course of being supplied quickly, they may cause a School Board to be formed for that district. A School Board may also be formed in any district on application to the Education Department by the persons on whom it would devolve to elect a School Board, or in a borough by the Town Council.

The members of the School Board are elected by the burgesses or ratepayers in the district, as the case may be. The voting is by ballot, as for members of Parliament, with this difference, that, whereas a candidate for Parliament can receive only one vote from any one elector, any one candidate for the School Board can receive as many votes as the elector may have to dispose of, each elector having the same number of votes as there are vacancies to be filled in the voting district.

It is the duty of the School Board to provide sufficient school accommodation for the district, and to maintain and keep efficient the schools under their charge, for which purpose they are empowered to frame bye-laws, which, when sanctioned by the Education Department, have the force of law, and may be enforced by the magistrate.

The funds necessary for educational purposes are provided for by an annual parliamentary grant from the imperial revenue, by fees paid by scholars, by sums raised by way of loans, and by other moneys received by the School Board. Any deficiency in the "School Fund" is made up out of the local rates. Being for the public good, the schools are thus paid for by the public money. It is better for the whole neighbourhood that the children should be taught than they should grow up in ignorance, and so it is fair that every ratepayer in the neighbourhood should take his share in paying for the school. It is the intention of Parliament that every child in the nation should be sent to school. There are still parents careless enough of their children's welfare as to disregard the advantages of education thus offered them by the State, and, disgraceful though it be that such a state of things exists, provision has to be made for it. Should a child not attend school inquiries of the parents or guardians are made by the School Board "attendance officer," and, if no reasonable excuse is forthcoming, a fine, after due warning, is inflicted on the person who thus fails in giving the child a chance in life.

"Sometimes," says Mr. Arnold-Forster, "it seems hard that children should be compelled to attend school when their parents would be very glad of their help at home, but then we have to remember that it is really better in the end, both for the parents, better for the children, and better for the whole country that the children should be regularly taught

while they are young than that they should have the great disadvantage of growing up in ignorance."

Attached to the Education Committee of Council is the Science and Art Department, transferred from the Board of Trade in 1856. This is managed by the Lord President and Vice-President, forming a small board of themselves. To advise and assist them is a special staff of officers, including professors, whose duty it is to superintend the various science and art schools throughout the country.

Classes are held by the Department in twenty-five branches of science, practical and theoretical, and in elementary and advanced art. Every year these classes are examined, and in proportion to the results the money grants are made, and other direct aids and incentives to further study are given. The object of the vote is officially stated to be the promotion of instruction in science and art especially among the industrial classes. It is applied to the maintenance of the Science and Art Museums at South Kensington, in Dublin, and in Edinburgh; to the maintenance of the Normal School of Science and Royal School of Mines and the National Art Training School at South Kensington, and of the Royal College of Science and Metropolitan School of Art in Dublin.

The schools are formed under the superintendence of local committees, generally consisting of the mayor, councillors, and magistrates of the district, who agree among themselves to act together and are subject to no form of election. They provide suitable rooms for the classes, and are held generally responsible for the proper management of the undertaking.

In the science classes, which are chiefly held in the evening, about a hundred thousand students are under instruction; in the art classes, held chiefly during the day, there are nearly nine times as many, so that the Department has not far short of a million students in its care. The work done is exceptionally thorough, and the cost to the nation of about half a sovereign per head for each pupil is, to say the least of it, not very extravagant. It is in the further development of the Science and Art Department that we must look for the promised improvement in technical education.

LETTER XVI.

THE CHURCHES.

History of the Church of England—Authority of the Pope—The Reformation—Puritans—Roman Catholics—Jews—Constitution and Discipline of the Church—Bishops—Deans—Chapters—Priests—Deacons—Tithes—Ordinations—Church Accommodation—Convocation—The Established Church of Scotland—The Nonconformist Churches of Scotland—The Churches in Ireland—Roman Catholics—Methodists—Independents—Baptists—Unitarians.

In the theory of the English law every Englishman is a member of the Church of England, and in order to give you a right understanding of the relations of the ecclesiastical system and the Constitution of this country, it will be necessary briefly to sketch the history of that Church.

It is an undoubted fact that Christianity was very early introduced into this country whilst it was in the hands of the Romans, probably in the first instance through Roman soldiery, and tradition points to the numerous old churches dedicated to St. Paul, as a confirmation of the assertion that he was the apostle of Britain. However this may be, certain is it that in the third century numerous Christian congregations existed here, and the older chroniclers declare, with a fond pride, that Britain produced the first Christian emperor (Constantine the Great), the first Christian king (Lucius), and the first Christian monastery (that of Bangor in Wales). When the English invaders came they persecuted the native believers, and drove them into the Welsh mountains. There Christians were found when Pope Gregory the Great sent hither the monk Augustine and his companions, on the occasion of the conversion of Ethelbert, King of Kent. Before this time the British Church was governed by its own bishops. Some of these were present officially at the Council

of Sardis, A.D. 347; of Rimini, A.D. 359; and of Arles, A.D. 428-29; but Augustine, who did not come to Britain till A.D. 597, by a judicious application of force as well as persuasion, induced the scattered bodies of the faithful to acknowledge his authority as *primate*, whilst he himself admitted the superiority of the Roman pontiff. There was, moreover, a Primitive British Liturgy differing greatly from the Roman, which Augustine endeavoured to supplant. A compromise was effected, the result of which was to leave lasting proof of the early contest with Rome, even in the structure of the service books in use before the Reformation.

Augustine, upon being consecrated Archbishop of Canterbury, received a present of a *pall* from the Pope, and each of his successors applied for and obtained a like mark of distinction for many years after from succeeding occupants of the papal chair, until it was asserted that an Archbishop of Canterbury could not enter upon his functions unless and until it was granted. This "pall" is an ecclesiastical vestment somewhat resembling in shape the hood now worn by clergymen to indicate the university degree of the wearer, and a symbol of it is still retained in the emblazonment of the arms of the province of Canterbury. Under the Norman kings and the early Plantagenets, the claim to present this pall, and the rights which it was supposed to confer, were stoutly resisted. But what Henry II. refused to Thomas à Becket was conceded by his son John, who, as you know, humiliated himself so far as to hold his very crown as a *fief* under the Pope. Notwithstanding the famous Statute of *Præmunire*, passed in the reign of Richard II., which is still unrepealed, and which I may have occasion to mention again, the general results of various compromises made between different monarchs and popes amounted to this:—That, whilst in matters of faith and (to some extent) of discipline also, the Church of England gave obedience to Rome; in matters connected with the choice of bishops and the enjoyment of temporalities, the royal supremacy was admitted. Thus it will be seen that the National British Church was never wholly under the pretentious sway of the Papal See.

The first stage of the Reformation in the reign of Henry VIII. was not made in reference to doctrine. The right of appeal from the English Courts to the Pope was that against

which the King's policy was directed in the beginning, and the operation of the statute 25th Henry VIII. cap. 20 was to establish the jurisdiction of the Crown and the King's tribunals, in entire independence of any foreign potentate. The words of what is called the *bidding prayer* (still used in cathedrals and in some churches before sermon) indicate clearly the intention of the Constitution upon this point. It runs as follows:—Ye shall pray for all Christian kings, &c., and especially for our Sovereign Lady Queen Victoria, defender of the Faith, *over all persons, and in all cases ecclesiastical and civil within these her dominions supreme.*" It is in this sense that the Sovereign is called "the supreme head of the Church."

The policy of Elizabeth and of the Stuarts was to establish the Church of which they were members as the sole and exclusive form of religion. Hence non-attendance at a man's parish church and non-conformity to its ordinances, were made by Convocation—of which I shall treat hereafter—the subject of spiritual censure, and by Parliament, of civil penalties, even of *death*. The theory of the Church down to so late a period as the reign of George IV., according to the Constitution, was that of an ecclesiastical corporation coextensive with the State, every English subject being also an English Churchman, and the Church a body absolutely *national*. Two great religious sections maintained a constant and, eventually, successful struggle against this theory—I mean the Puritans and the Roman Catholics. The former party resorted to arms, and their victory in the contest against Archbishop Laud and his sovereign displaced for twelve years both the Church and her royal head. On the restoration of Charles II. the former doctrine was revived; and it was not until the accession of William III. that the *Act of Toleration*, permitting Protestants to meet to celebrate divine service after other forms than the Liturgy—and in other places than the temples—of the Church of England was passed. More than a century and a half elapsed before persons who did not conform to the religion established by law were allowed to enter Parliament, and to take office in municipal corporations. Every man elected to either was obliged to partake of the Holy Sacrament, according to the rites and doctrine of the Church of England, as a *test*. It was not until the year 1828, that the statute imposing this test was

repealed. Thus terminated the contest with the first religious section I named. The result was that there was no longer a Constitution exclusively *Church of England*, but one necessarily *Protestant*.

The following year saw the final success of the Roman Catholic body. Like the Protestant Dissenters, they had obtained various instalments of toleration. The objection to admit them to full rights of citizenship was based rather upon political than theological grounds, and they endured for many years the most vexatious disabilities intended to prevent their gaining wealth and influence, before it was discovered that being a Papist did not prevent a man from also being an honest and a loyal subject. The Roman Catholic Relief Act, passed in the year 1829, placed Roman Catholics upon the same footing with their Protestant fellow-countrymen, and there are now no offices from which Roman Catholics can be excluded, except those of Regent, of Lord Chancellor of England or Ireland, of Lord-Lieutenant of Ireland, of High Commissioner to the General Assembly of the Church of Scotland; or any office in the Church of England, or in the Church of Scotland, or in the Ecclesiastical Courts, or in the universities, colleges, or public schools of this kingdom. Until 1858 British subjects professing the Jewish religion were excluded from senatorial rights and honours, not by any direct enactment of the legislature, but because the wording of the oath of supremacy, which had to be taken by all members of Parliament, prevented them from subscribing it; concluding, as it did, in the words, "*upon the true faith of a Christian.*" This form of words was adopted, when this oath was framed, to prevent the Jesuit adherents of the Pretender from swearing fealty to the king *de facto* with a mental reservation; but indirectly it had the effect I have stated. Our Jewish fellow-subjects could be judges, sheriffs, and magistrates. They could be called upon to carry the laws into execution, but had no part in framing them; they had to pay taxes, but had no voice in imposing them. They might vote at elections for others; they could even be elected themselves; but they could not take their seats. They might write M.P. after their names, but the doors of the Parliament House were firmly closed against them. At last, however, after considerable opposition from the House of Lords, the excluding oath

was modified, so as to admit the Jews to legislative honours; and now the necessity for any religious profession whatever as a condition for becoming a member of Parliament is no longer in existence. Jews, however, are still disqualified from filling any of the above high offices of State from which Roman Catholics are excluded, but may exercise right of presentation to an ecclesiastical benefice.

Thus the Church of England gradually ceased to be what at one time she was, and what many statesmen consider she ought to have remained—an integral and indivisible part of the Constitution. But although she has no longer the ancient prerogatives and high privileges that once were hers, she still occupies a position and exercises an influence it is impossible to overlook.

The whole of England and Wales is divided for Church purposes into two *provinces*, Canterbury and York, each governed by its Archbishop and his *suffragans*, or inferior prelates. In addition to his province and the appellate jurisdiction connected therewith, each archbishop has a particular district within which he exercises original authority. The district over which a suffragan bishop presides is called his *diocese*, or *see* (from the Latin for a *seat* or *chair*).

This diocese is divided into archdeaconries, each archdeaconry into rural deaneries, each rural deanery into parishes. I subjoin a table of the English and Welsh dioceses and their several jurisdictions:—

	Diocese.	Jurisdiction.
Province of Canterbury.	Canterbury (Archdiocese) . . .	All Kent (except the city of Rochester and deanery of the same), the parishes of Addington and Croydon, together with the district of Lambeth Palace, in the county of Surrey.
	Bath and Wells . .	Nearly the whole of the county of Somerset.
	Chichester . . .	The whole county of Sussex.
	Ely	Nearly the whole of Cambridgeshire, Huntingdonshire, and Bedfordshire, and part of Norfolk and Suffolk, adjacent to Cambridgeshire.
	Exeter . . .	Devonshire.
	Gloucester and Bristol	Gloucestershire and city of Bristol, a part of Wiltshire adjacent to Gloucestershire, and the parish of Bedminster.

	Diocese.	Jurisdiction.
The Province of Canterbury.	Hereford	Herefordshire and part of Shropshire, Monmouth, Radnor and Worcestershire.
	Lichfield	Staffordshire, and the greatest part of Warwickshire, and Shropshire.
	Lincoln	Lincolnshire.
	London	London and Middlesex.
	Norwich	All Norfolk and Suffolk, with the exception of the Archdeaconry of Sudbury.
	Oxford	Oxfordshire, Buckinghamshire, Berkshire, and parts of Wiltshire.
	Peterborough	Northampton, Rutland, and Leicestershire.
	Rochester	The deanery and city of Rochester in Kent; much of north-eastern Surrey, and the parishes in Surrey which previous to 1875 formed part of the Diocese of London.
	St. Albans	The counties of Hertford and Essex and that part of Kent which lies to the north of the Thames.
	Salisbury	All Dorsetshire, the parishes of Holwell (Somerset) and Thorncomb (Devon), and parts of Wiltshire and Berkshire.
	Southwell	The counties of Derby and Nottingham.
	Truro	The Archdeaconry of Cornwall.
	Winchester	Surrey (except certain parishes near London), Hampshire, and the Channel Islands.
	Worcester	Nearly all Worcestershire, the Archdeaconry of Coventry, and parts of Staffordshire and Gloucestershire.
Wales.	St. Asaph	The whole counties of Flint and Denbigh, and parts of Shropshire and Montgomeryshire.
	Bangor	The whole counties of Anglesea, Carnarvon, and Merioneth, and part of Montgomery.
	Llandaff	The counties of Glamorgan and Monmouth.
	St. David's	Parts of Carmarthenshire, Pembrokeshire, Brecknockshire, Radnorshire, Cardiganshire, Montgomeryshire, and Herefordshire.

	Diocese.	Jurisdiction.
The Province of York.	York (Archdiocese) .	All the county of York not in the dioceses of Ripon and Wakefield.
	Durham . . .	The county of Durham and the district called Hexhamshire.
	Carlisle . . .	The counties of Cumberland and Westmoreland, and the deaneries of Furness and Cartmel in Lancashire.
	Chester . . .	The county of Chester.
	Liverpool . . .	The West Derby hundred of the county of Lancaster, with the exception of so much of the said hundred as was in the diocese of Manchester, and including the whole of the ancient parish of Wigan.
	Manchester. . .	Almost the whole of Lancashire.
	Newcastle . . .	The county of Northumberland, and the counties of the towns of Newcastle-upon-Tyne and Berwick-upon-Tweed, the detached portions of Northumberland and the ancient parish of Alston, with its chapelries, in the county of Cumberland.
	Ripon . . .	The greater part of the West Riding of Yorkshire.
	Wakefield . . .	That part of the diocese of Ripon which lies southward of the northern boundaries of the ancient parishes of Halifax, Birstal, Batley, West Ardsley, East Ardsley, and Wakefield.
	Sodor and Man . .	The Isle of Man.

The principal church of the diocese is called the *cathedral* (from the Greek word of the same import), because it contains the episcopal *seat* or *throne*. The title *bishop* is derived from the Greek *episkopos*, through the Saxon *biscop*, both signifying an overseer, or superintendent, "so called from that watchfulness and faithfulness which by his place and dignity he hath and oweth to the Church."

The form of an election by the chapter of the diocese is still preserved in sees of old foundation. When a vacancy occurs, the Sovereign sends a permission to them to elect (called a *congé d'élire*), together with a *letter missive*, recommending the person therein named. Obedience to this recommendation is secured by the famous Statute of *Præmunire*, and some Acts of Henry VIII., which direct, upon any delay or refusal, a forfeiture of all the real and personal property

of the recusant parties, with imprisonment at the King's pleasure, and other penalties.

Appointments to bishoprics of recent foundation are made by order of the Sovereign in Council, or by Letters Patent direct from the Crown. The bishoprics so filled are Gloucester and Bristol, Chester, Peterborough, Oxford, Ripon, Manchester, St. Albans, Liverpool, Truro, Newcastle, Southwell, and Wakefield.

We have seen that a bishop is a peer of Parliament, and sits in the House of Lords. But this privilege can only be claimed as a right, in virtue of their respective sees, by the Archbishops, and the Bishops of London, Durham, and Winchester. The right of the other bishops, who sit and vote in the House of Lords, to their seats, is regulated by seniority of consecration.

Until very recently a bishop could not resign his see, but it is now provided that when an English archbishop or bishop is desirous of resigning by reason of age or infirmity, the Sovereign in Council may declare his bishopric vacant, and appoint a suffragan. The retiring bishop is granted a pension of about one-third of the income of his late see, and may retain one of its episcopal residences.

Bishops Suffragan are also appointed as assistants in the larger sees. The Bishop of Dover is the Suffragan of the Archbishop of Canterbury; the Bishops of Bedford and Marlborough are the Suffragans of the Bishop of London; the Bishop of Colchester is the Suffragan of the Bishop of St. Albans; the Bishop of Peterborough has an Assistant Bishop; the Bishop of Manchester has a Coadjutor Bishop. But none of these have seats in the House of Lords, nor do any of the colonial or missionary bishops.

To assist the bishop in the government of his diocese generally, there are the *dean* and an indefinite number of *canons* or *prebendaries*, who form the *chapter*.

The title Dean is derived from the Latin word for *ten*, that being the usual number in the early chapters. Deans are of six kinds:—*Deans of Chapters*, who are either of cathedrals or collegiate churches. *Deans of Peculiars*, who have sometimes both jurisdiction and cure of souls, and sometimes jurisdiction only. *Rural Deans*, who are deputies of the bishop to inspect the conduct of the parochial clergy, to examine candidates for confirmation, &c., and who are

endowed with an inferior degree of judicial authority. *Deans in the Colleges of our Universities*, who are officers appointed to superintend the behaviour of the members, and to enforce discipline. *Honorary Deans*, as the Dean of the Chapel Royal St. James, &c.; and *Deans of Provinces*—thus the Bishop of London is Dean of the province of Canterbury. It is now provided that all old deaneries, except those in Wales, are henceforth to be in the direct patronage of the Sovereign; and no person is to be capable of becoming dean, archdeacon, or canon, until he has been six years in priest's orders, except in the case of a canonry annexed to any professorship, headship, or other office in some University. A dean must be in residence at least eight months in the year.

All the members of chapters, except the dean, in every cathedral and collegiate church in England, are styled *canons*. Such canons, however, as are *prebendaries* differ from such as are not, by having a prebend, or fixed portion of the rents and profits of the cathedral or collegiate church for their maintenance. Originally canons were only priests, or inferior ecclesiastics, who lived in community; residing by the cathedral church, to assist the bishop; depending entirely on his will; supported by the revenues of the bishopric; and living in the same house, as his domestics or counsellors. By degrees, these communities of priests shook off their dependence, and formed separate bodies, of which the bishops, however, were still the heads. In the tenth century, there were communities or congregations of the same kind, established even in cities where there were no bishops; these were called collegiates, as they used the terms congregation and college indifferently: the name chapter, now given to these bodies, being much more modern. Under the second race of the French Kings, the canonical, or collegiate, life had spread itself all over the country; and each cathedral had its chapter, distinct from the rest of the clergy. They had the name canon, from the Greek κανων, which signifies three different things—a rule, a pension, or fixed revenue to live on, and a catalogue or matricula.

In time, the canons freed themselves from their rules, and at length they ceased to live in community.

The country parts of the diocese, not otherwise governed as above, are subdivided into archdeaconries and rural deaneries. By the Canon Law the archdeacon is called "the

bishop's eye," and has power to hold visitations within his jurisdiction when the bishop is not present, to make institutions and inductions of benefices, to assist at the examination of candidates for orders, and also to inquire into, correct, and reform irregularities and abuses amongst the parochial clergy. The *rural dean* governs part of an archdeaconry, usually consisting of about ten parishes, and exercises a similar but more restricted authority over them. Finally, we have the parochial clergy, consisting of *rectors*, and *vicars*. The word "curate" signifies a person having the *cure* (or care) of souls. "Rector" is one who has the chief *rule* of the parish in ecclesiastical matters. He is also properly called "a parson" (persona ecclesiæ), that is, one that has full possession of all the rights of a parochial church, and because by his person the Church, which is an invisible body, is represented. As rector he is entitled to the whole of the tithes of his parish (now commuted into a fixed annual sum called a *rent charge*). The vicar has only the *small* tithes. "Vicar" means a *substitute*. When, in days long passed away, the great landholders granted a rectory to a monastery, the living never became vacant, as the abbey or convent was a corporation, and corporations never die, although those who constitute them do. The monastery, as rector, took all the tithes, and sent a clergyman to perform divine service, to whom were given the small tithes as his recompense. By degrees the substitute thus sent acquired a permanent right to the benefice. When Henry VIII. confiscated to the Crown the possessions of the religious houses, it was thought that their great tithes would revert to the vicar. This, however, was not agreeable to the grasping courtiers to whom the monarch had granted the property and estates, and an Act of Parliament was therefore passed, which annexed the great tithes to the confiscated lands. Thus the position of the vicars remained unaltered.

The right of presentation to a vacant benefice is termed an advowson, the literal meaning of which is "the taking into protection." Those who have the right are styled patrons. Advowson and Patronage are words having a similar meaning, the right having been first obtained by such as were founders, benefactors, or strenuous defenders of the Church. The lords of manors who first built churches on their own demesnes appointed the tithes of those manors to be given to the offi-

ciating ministers, and had the right of nominating such ministers to officiate in the churches so founded and endowed; hence, they were termed patrons.

Advowsons have, however, in many instances become separated from the manors to which they were originally attached, and become annexed to the person of the patron.

It only remains for me now to tell you how a person is made a clergyman. It is the peculiar prerogative of the bishop alone to confer holy orders, which in the Church of England are of three kinds—those, namely, of bishop, priest, and deacon. The ceremony of making the last two is called *ordination;* of the former, *consecration.* On each occasion the oath of the Queen's supremacy must be taken by the candidate. The essentials of valid ordination are prayers or benedictions with the Apostolic imposition of hands. When a layman is made a deacon he must be at least twenty-three years old, and (if not possessed of a university degree) a "*literate person*" —that is, one of competent learning and good education. After twelve months the deacon may be ordained a priest. A deacon is ordained by the laying on of the bishop's hand alone. In case of a priest, the bishop and the priests who are with him lay hands upon the candidate. A bishop must be a priest of at least thirty years of age, and is set apart for his office by three other bishops. The archdeacons (who are priests appointed to that office by the bishop) assist the bishop in ordinations. He has also his *examining chaplains* to aid him in testing the abilities of the candidates, who must each have a *title for orders*—that is, a sphere of labour under some beneficed clergyman, with a proper stipend for his support, before he can be ordained. A university fellowship, or a mastership in some of the public schools, is also accepted by the bishops as a title. In order to become a rector or vicar, there are in general four necessary requisites: *holy orders*, *presentation*, *institution*, and *induction*. The first of these I have already noticed: the second consists in the patron of the living offering his nominee to the bishop of the diocese to be instituted by him; the third is a kind of investiture of the spiritual part of the benefice, for by it the care of the souls of the parish is committed to the charge of the person instituted; the last is generally performed either by the archdeacon or some other clergyman, and consists in giving to the person inducted corporal possession of the church, as by inviting him

to toll the bell, hold the ring of the door, or the like. When the bishop is also the patron, the presentation and institution are one and the same act, and are called a *collation* to the benefice. Until recently, a clergyman could not wholly relinquish his sacred calling, but now the Clerical Disabilities Act, 1870, enables him (after resigning all preferment) to relinquish Holy Orders by deed. This done, he becomes incapable of officiating in any manner as a minister of the Church, and is discharged from all the disabilities of his former office.

There are many matters which it is difficult to avoid touching upon in connection with the subject of this Letter, but which, if fully entered into, would swell it into the bulk of an entire volume. I will, in conclusion, refer to *Convocation*. This is an assembly of the spiritual estates of the realm in both provinces. It consists of an Upper and Lower House in the province of Canterbury; in the former sit the bishops, presided over by the Archbishop as *Primate and Metropolitan*. The latter is composed of deans, archdeacons, and the *Proctors* or delegates chosen by the chapters of cathedrals and beneficed clergy. The members elect their own *Prolocutor* or Speaker. In the province of York all sit together in one house. Convocation is summoned by the archbishops in pursuance of the Sovereign's mandate. When assembled, it must have the Sovereign's licence before the members can deliberate, as well as the sanction of the Crown to their resolutions before they become binding on the clergy. Formerly Convocation granted to the Crown the right to tax the clergy. That usage has now ceased, and with it the State necessity for convoking the assembly yearly. Recently, however, ecclesiastical and spiritual necessities have caused its sittings to be in some degree available in a practical sense.

It is calculated that in 1888 the members of the Church of England amounted to fourteen millions.

The Established Church of Scotland is Presbyterian, and differs greatly from the Episcopal Church of England. It is a pure democracy, all the members being equal. The General Assembly consists of partly clerical and partly lay members, chosen by the presbyteries, boroughs, and universities. It meets annually, sitting in May for ten days; matters not decided in that period being left to a Commission. In each

parish there is a parochial tribunal, called a Kirk Session, consisting of the minister and a greater or smaller number of laity, of whom two are selected as Elders. Their office is to superintend the relief of the poor and assist in visiting the sick. Next to these Sessions, and higher in authority, is the Presbytery.

The Dissenters in Scotland are about equal in number to the Church population.

The chief of these dissenting bodies is the Free Church of Scotland, which was founded in 1843, owing to the decision of the House of Lords on the subject of patronage, when about 270 of the parish ministers resigned their preferments. The sum of £367,000 was raised in the first year of the disruption, and in ten years no less than 850 congregations had been formed. The Free Church is now a fully organized body, with General Assembly, with synods and presbyteries, and over a thousand congregations meeting in specially built churches. Its two great principles are the independence of the Church in its spiritual action, and the right of each congregation to elect its own minister and reject any one of whom it disapproves. The dissenting Church next in importance in Scotland is the United Presbyterian, commonly spoken of as the U.P. It has 32 presbyteries and 560 churches, and a membership of nearly 190,000.

The Presbyterian Church in Ireland has a membership of nearly half a million.

The Protestant Church of Ireland, formerly in union with the Church of England, was disestablished and disendowed by Act of Parliament, 32 & 33 of Victoria, cap. 42, and ceased to be established by law January 1, 1871. The Roman Catholic Church in Ireland is under four archbishops and twenty-three bishops nominated by the Pope. It has a membership of about four millions.

There are altogether 236 religious denominations in England, who are dissenters from the Established Church. It is estimated that of these there are now nearly two millions of Roman Catholics, who have one archbishop and fourteen bishops presiding over them.

Next in number to the Roman Catholics are the Methodists, who, in their various subdivisions, have nearly three-quarters of a million "Church members." Founded originally in 1739 by John Wesley, the Wesleyan Church has had a remarkably

rapid growth. In 1744 the first Conference was held. It consisted of six members. The Conference now is composed of 480 ministers and laymen, in equal proportions. When John Wesley died the number of his followers was 77,000; in these days over 16,000,000 people are under Wesleyan instruction in different parts of the world; in fact among the English speaking communities in Europe, America, and the Colonies, the Methodists rank second in numbers to the Episcopalians.

Of the Wesleyan-Methodists, the original Church, there are now in the United Kingdom nearly 450,000 accepted members; of the Methodist New Connexion, founded in 1797 by Alexander Kilham, and differing from the original body only in the power allowed to the laity, there are nearly 30,000; of the Primitive Methodists, founded in 1810 by Hugh Bourne, there are nearly 200,000; of Bible Christians, founded in Waterloo year by William O'Bryan, in Cornwall, there are 25,000; of the United Methodist Free Churches, seceded from the original body at different times subsequent to 1828, there are now about 67,000.

Next in importance to the Methodists among the Nonconformists come the Independents or Congregationalists, the oldest of all Dissenters, who first appeared in England in the days of Elizabeth, and came into such prominence during Cromwellian times. Their great distinguishing principle is that each Church is its own ruler, and requires no presbytery or bishop to supervise it as part of a general organization. The Baptists differ from the Independents only in the practice of baptism by immersion. Next to them in present importance are the Unitarians, the increase in whose numbers is not at all proportionate to the spread of their doctrines.

LETTER XVII.

TITULAR DISTINCTIONS.

The Garter—Baronets—The Thistle—St. Patrick—The Bath—The Star of India—The Michael and George—The Indian Empire—The Distinguished Service—Knights Bachelors—The Victoria and Albert—The Crown of India—The Victoria Cross—The Albert Medal—The Royal Red Cross.

In my Letter on the House of Lords I described the various ranks of the peerage. There are, in addition, many other titular distinctions open to British subjects.

Knights of the Garter rank before Privy Councillors. "The Most Noble Order of the Garter" dates from 1349, and is held to be the highest grade of knighthood in the world. It is now almost entirely confined to our princes of the blood, to foreign kings, and distinguished peers, though at its foundation it was, strictly speaking, an order of merit to which even a simple knight might aspire. Its knights have the initials K.G. after their names.

The order of precedence after the Knights of the Garter is as follows:—Privy Councillors, the Chancellor of the Exchequer, the Chancellor of the Duchy of Lancaster, the Lord Chief Justice, the Master of the Rolls, the Lords Justices of Appeal, the Lords of Appeal, the Judges according to seniority, the younger sons of Viscounts, the younger sons of Barons, and Baronets of England, Scotland, Ireland, and the United Kingdom, according to the date of their patents.

Baronetcies were instituted by James I. in 1611, the recipients being gentlemen of coat-armour for three descents at least, who had a revenue of over £1000 a year from land, who were willing to pay something over £1000 for the dignity, which sum was to go towards the expense of defending the new plantation in the North of Ireland. The number was

not to exceed two hundred; but on James's death the limit was exceeded, and baronetcies gradually became titles of honour bestowable by the monarch solely on the certificate of the Herald's College that the would-be recipient is a gentleman of coat-armour. In one case, Charles I. even made a lady a baronet! The title is hereditary, and its bearers are distinguishable by the abbreviation "Bart." after their names. There are nearly nine hundred of them.

After the baronets rank the "Knights of the Most Ancient and Most Noble Order of the Thistle," which was first founded in 1540, and is the premier order of Scotland. It is confined entirely to princes of the blood and distinguished Scotch peers, and its knights have the initials K.T. after their names.

Next to the Knights of the Thistle come those of "The Most Illustrious Order of St. Patrick," an Irish order founded in 1783, and consisting of princes of the blood and distinguished Irish peers. The Knights of St. Patrick are known by the initials K.P.

Next to them rank the knights of our great order of merit, "The Most Honourable Order of the Bath," first founded in 1399, and reformed as we now have it in 1725. It consists of three classes:—In the first are Military Knights Grand Cross, known by the letters G.C.B.; Civil Knights Grand Cross, similarly distinguishable; and the Honorary Knights Grand Cross, who are all foreign princes. In the second class, recognizable by the K.C.B., are Military Knights Commanders and Civil Knights Commanders. In the third class are the Military Companions and the Civil Companions, all of whom assume the letters C.B. The C.B. is generally conferred for distinguished services—naval, military, or civil—and from the holders of that honour the higher grades are, as a rule, filled up. All our leading sailors and soldiers are either Companions, Knights, or Grand Crosses of the Bath.

Next to the Bath ranks "The Most Exalted Order of the Star of India," instituted in 1861, and awarded for services rendered to our Indian Empire. It has three classes—Knights Grand Commanders, whose initials are G.C.S.I.; Knights Commanders, whose initials are K.C.S.I.; and Companions, whose initials are C.S.I.

Next to it ranks "The Most Distinguished Order of St. Michael and St. George," instituted in 1818, and now chiefly

awarded for eminent services in connection with our Colonies. Its Knights Grand Cross are recognizable by the initials G.C.M.G.; its Knights Commanders have K.C.M.G.; and its Companions have C.M.G.

The "Most Eminent Order of the Indian Empire" is next in rank. It is conferred for distinguished service, either military or civil, in connection with India. It consists of Knights Grand Commanders (G.C.I.E.), Knights Commanders (K.C.I.E.), and Companions (C.I.E.).

After the Indian Empire ranks the new "Distinguished Service Order," instituted in 1886, restricted to officers of our naval and military forces who have been specially mentioned in despatches for meritorious or distinguished service in the field before the enemy. At present this order has Companions only. These use the initials D.S.O.

These orders are all recognizable by their special ribbons. The Garter ribbon is a broad blue one; the Thistle ribbon is green; the St. Patrick ribbon is sky blue; the Bath ribbon is crimson; the Star of India ribbon is light blue with white stripes near each edge; the Michael and George ribbon is blue with a red stripe; the Indian Empire ribbon is Imperial purple; and the Distinguished Service ribbon is narrow red edged with blue. The Knights Grand Cross of these orders, if any, rank before the Knights Commanders of their own and other orders; and the Knights Commanders rank before all Companions of their own and other orders; and between the Knights Commanders of the Indian Empire and the Companions of the Bath precedence places the Knights Bachelors and the County Court Judges.

Knights Bachelors are the ordinary knights, of whom there are about four hundred. The title is conferred as a rule on men of eminence in commercial and municipal life, and in fact covers the ground left unoccupied by the more distinguished orders. The Judges of the High Court are all knighted on appointment, so are the Attorney-General and Solicitor-General, and the leaders of the other professions are as a rule Knights Bachelors. The abbreviation of the rank is Knt.

The Royal Order of Victoria and Albert is conferred on titled ladies only. It has four classes. The Imperial Order of the Crown of India is another order restricted to ladies of title. It consists of princesses of the blood; of the wives

and lady relatives of Indian princes or those of the holders of the offices of Governor-General, Governor of Madras, or Bombay, or Chief Secretary of State for India.

The Victoria Cross is awarded to officers and men of our naval and military forces for conspicuous bravery or devotion to the country in the presence of the enemy. For every additional act of bravery a clasp may be added. Every wearer of the cross below the rank of commissioned officer receives a pension of £10 a year, and every bar brings an extra pension of £5 a year. The cross, which is of plain bronze, has the motto "For Valour," and is suspended from a blue ribbon in the navy and a red ribbon in the army. Its wearers have the letters V.C. after their names.

The Albert Medal is granted for saving life on land or sea. The Royal Red Cross is conferred on ladies for special exertions in nursing sick and wounded with the army in the field, or in naval and military hospitals.

No subject of the realm is allowed to wear any foreign order or medal without the permission of the Sovereign signified by a warrant under the Royal Sign Manual, and this permission is not given unless the distinction is to be conferred in consequence of active service before the enemy, or when the recipient is actively or entirely employed in a foreign country in the service of the Sovereign by whom the order or medal is conferred. But no permission is necessary for accepting a foreign order if it is not to be worn.

LETTER XVIII.

THE LAW COURTS.

Common Law—Statute Law—Civil Law—Equity—The Superior Courts—Circuits of the Judges—Their several Commissions—District Courts of Record—Counsel and Attorney—The Inns of Court—The Status of Married Women—An Action at Law—The Pleadings—The Jury—The Trial—The Verdict—Judgment by Default—The Costs—Execution—Judges in Equity.

Our law is of two kinds, the *unwritten*, or Common Law, made up of ancient customs existing from time immemorial, either *general*, affecting the whole kingdom, or *special*, having force only in particular places; and the *written*, or Statute Law, made and altered from time to time in Parliament, as I have described in a former Letter. The Common and the Statute Law are declared and interpreted by the decisions of the judges contained in the Law Reports.

The law thus composed may again be divided under two heads: the *Civil Law*, which relates to the rights of the people amongst themselves, giving remedies by *action*, in which the person aggrieved is called the *plaintiff*, and he against whom the proceedings are taken the *defendant*; and the *Criminal Law*, which is put in operation by *prosecution*, in the name of the Sovereign, against evil-doers.

Equity is a principle acting in conjunction with the law to soften and correct its operation in certain cases, by taking cognizance of those trusts and confidences which, although binding upon the conscience, a Court of Common Law is unable to enforce. For a long time after its introduction, Equity was a principle separate from, and sometimes antagonistic to, the law, and was administered in courts of its own, presided over by judges trained to its practice, assisted by advocates who made it a distinct profession. But now the

principles of Equity are generally acknowledged, and acted upon in Courts of Common Law, and Common Law relief and compensation are in like manner granted by Courts of Chancery. The Courts of Common Law and the Courts of Chancery, with their distinct jurisdictions, are now consolidated into one Supreme Court of Judicature.

A "COURT" is defined to be a place wherein justice is judicially administered. As the power of executing the laws is vested by our constitution in the Sovereign, it follows that all courts of justice derive their power from the Crown.

The whole of the courts were reconstituted in 1873 by the Judicature Act of that year, which was amended and extended two years later by the Judicature Act of 1875. Both these Acts came into operation on November 1, 1875. In order that I may clearly point out the nature and extent of the changes effected by that Act and by others that have been passed since 1873, and explain our present judicial organization, it will be necessary for me to describe shortly the constitution of the courts previously to the year 1875, which was as follows:—The Court of Chancery was presided over by the Lord Chancellor, two Lords Justices of Appeal, the Master of the Rolls, and three Vice-Chancellors. The principal courts of Common Law, holding their sittings in Westminster Hall, were three in number—the Court of Queen's Bench, the Court of Common Pleas, and the Court of Exchequer. The judges of the two former were called *Justices* of their respective courts, those of the latter *Barons*. The Lord Chief Justice of England and five justices presided in the Court of Queen's Bench; the Chief Justice of the Common Pleas and the same number of justices sitting in that court; and the Lord Chief Baron and five barons in the Court of Exchequer. The whole of these courts, together with the High Court of Admiralty and the Court of Probate and Divorce, are now consolidated into one *Supreme Court of Judicature*, which consists of two divisions; one of which is termed "Her Majesty's High Court of Justice," and the other "Her Majesty's High Court of Appeal." "The High Court of Justice" consists of three divisions, which are called respectively the Chancery Division, the Queen's Bench Division, and the Probate, Divorce, and Admiralty Division. "The High Court of Appeal" consists of the following *ex officio* judges—the Lord Chancellor, the Lord

Chief Justice of England, the Master of the Rolls, and as many ordinary judges as the monarch shall from time to time appoint. The Lord Chief Justice of the Common Pleas and the Lord Chief Baron of the Exchequer were originally *ex officio* members of the Court of Appeal, but their offices have now been abolished, and the "Divisions" over which they presided are now included in the Queen's Bench Division. An appeal lies to the House of Lords from the orders or judgments of this court. The names of the old courts and their general character have been as far as possible retained, and many of the outward changes in the style and constitution of the courts have been merely formal. It is in the procedure and in the rules of court framed by the judges under the authority of the Judicature Acts, that the improvement has been effected.

The Queen's Bench is the highest criminal court in the kingdom; it keeps all inferior courts within the bounds of their authority, and may order their proceedings to be removed for its own consideration by what is termed a writ of *certiorari*. It controls all civil corporations and magistrates, and may command them by *mandamus* to do what the law requires in the performance of duties of a public nature in every case where there is no other course prescribed.

For the administration of justice, England and Wales are divided into eight circuits, the regulation of which is governed by Orders in Council issued from time to time. Two judges generally go on each of these circuits, except in Wales, and they transact in turn the civil and criminal business, except in the county palatine of Lancaster, in which the senior judge always presides in the criminal or Crown court. The county of Surrey is not included in any circuit, but commissions are issued not less often than twice a year for the discharge of the civil and criminal business.

Assizes—that is "sittings" of the judges—are held in spring, summer, autumn, and winter. At the summer and winter assizes, both civil and criminal business is transacted; but the spring and autumn assizes are merely "gaol deliveries"—that is, they are held only for the trial of prisoners who are committed for trial without bail, and no civil business is transacted thereat. For the purpose of the more

speedy transaction of business, the spring and autumn assizes are not held at every assize town, but several counties are grouped together, and a convenient town (not always the same one) fixed for holding the assizes of the counties so united. This grouping is done by Orders in Council published in the *London Gazette* from time to time.

The judges transact the business upon circuit by virtue of five separate authorities, only two of which I need mention here, in treating of civil procedure, namely, the commission of *assize*, authorizing them to hear and determine disputes relating to land, and the commission of *nisi prius*, which empowers them to try all actions pending in the superior courts that are ripe to be heard. These causes are appointed to be tried in the High Court, before a jury of the county out of which the dispute arose, *nisi prius* (*unless before*) the day fixed, the judges come into that county to hear and decide it.

There are also distinct Courts of Record, having power to fine and imprison for contempt of their authority, such as the Courts of Common Pleas of the counties of Durham and Lancaster, the Passage Court of Liverpool, and the Court of Record of Manchester, having almost the same procedure as the superior courts, and an unlimited, or limited jurisdiction, as to the amount they can award, according to their constitution.

Any person may bring, and defend, his own action in person, but almost all the business of our courts of law is carried on by barristers and solicitors, selected by the parties to act for them. Some barristers are appointed Queen's Counsel by patent from the Crown—all barristers fall under the general name of counsel. From the most eminent of these the judges are selected. The Lord Chief Justice is appointed by the Prime Minister; the lesser, or *puisne* judges, by the Lord Chancellor.

The privilege of calling persons to the bar in England is exclusively held by four ancient societies—viz., that of the Inner Temple, the Middle Temple, Lincoln's Inn, and Gray's Inn, which now act as a corporation. Until recently students had only to pay fees and eat a certain number of dinners in the halls of these societies to entitle them to be *called to the bar;* but, with the exception of members of the Universities, they have now to undergo a preliminary

examination in general knowledge before they are admitted as students, and all must also pass examinations in law before they are granted the degree of barrister-at-law, which confers the liberty of practising in all English courts, and gives a legal right to the title of *esquire*.

An attorney is one who is put in the place or *turn* of another to manage his affairs. Attorneys were formerly distinguished from solicitors who were attached to the Court of Chancery and from proctors who practised in the Ecclesiastical Courts, but now this distinction has been abolished, and all attorneys, proctors, or solicitors are termed Solicitors of the Supreme Court, and may practise in any branch of the Supreme Court, after being admitted. Solicitors are now formed into a regular society, called the Incorporated Law Society, to which, in conjunction with some officials named by Act of Parliament, the examination of persons desiring to become members of this profession, and the charge of the *rolls* or lists of persons duly entitled to practise in it, is confided. Persons are *admitted* by the superior courts after they have served for a certain time as clerks in the office of a solicitor, under a legal instrument called *articles of clerkship*, and have passed examinations in law. They are then considered to be officers of the Supreme Court. The judges exercise strict supervision over their conduct, and may strike their names off the rolls, should it be proved to their satisfaction that they have been guilty of conduct deserving such a punishment. Solicitors have to take out a *certificate* every year, upon which they have to pay a fee for leave to pursue their vocation.

The actions most commonly brought in the Common Law Division of the High Court of Justice are to recover disputed debts or demands, the possession of land, or a compensation in money, called *damages*, for acts committed or neglected to be done, whereby the plaintiff suffers an injury to his person, property, or reputation.

The courts are open to all, and the law's protection can be claimed by all. Even a married woman is capable of acquiring, holding, and disposing of her property just as it she were unmarried, and may enter into any contract, and sue and be sued, without the participation of her husband in her losses or gains, though the contract is held to bind not only the separate property she possesses but all she may

eventually acquire. If she trades separately from her husband she is subject to the bankruptcy laws. Everything she may have at the time of her marriage or may acquire afterwards now remains hers. She has against her husband the same civil remedies and the same remedies by way of criminal proceedings as if she were an unmarried woman, though she cannot take proceedings against him while she is living with him, and neither the husband nor the wife can sue the other for a *tort*. The old contention that the wife has no protection against her husband for any property she may acquire by her own industry no longer exists. All are equal before the law.

When an action is to be brought, the plaintiff lays his case before a solicitor, who issues a writ summoning the defendant to *appear* to answer the complaint of the plaintiff. This "appearance" is made by his lodging with the proper officer of the court a writing stating his place of business and his *address for service*, which must be within three miles of Temple Bar if the appearance is entered in London, or within the district if appearance is entered in the country or *district registry* as it is termed, where notices and further proceedings may be served upon him. Where the plaintiff seeks merely to recover an ordinary debt or an ascertained sum of money, as for instance on a promissory note, or for goods sold and delivered, he may state on the back of his writ the particulars of the amount he seeks to recover. The writ is then *specially indorsed*, and after the defendant has *appeared* the plaintiff or any other person who can swear positively to the debt or cause of action may make an affidavit verifying the cause of action and stating that in his belief there is no defence to the action. On which affidavit the plaintiff may at once call upon the defendant to show cause why judgment should not be signed unless he shall disclose a good defence on the merits. The defendant is thus prevented from setting up a frivolous defence for the purpose of delay. The judge may then order judgment to be signed, or if he see fit give the defendant leave to defend. If the defendant obtains leave to defend, the action proceeds. The next step is the delivery by the plaintiff of a *statement of claim*, which is either written or printed, and must be delivered within six weeks after *appearance* has been entered. The defendant may, however, if he wish to save costs and shorten proceedings, dispense

with a *statement of claim*, and he must then deliver his *defence* (formerly his *plea*) within eight days from *appearance*. The plaintiff may also, where the writ is *specially indorsed*, give notice to the defendant that the particulars of his claim appear by the *indorsement* on the writ of summons, and thus save himself the additional expense of a more formal and lengthy statement of the facts of his case. When a *statement of claim* is delivered, the defendant must deliver his *defence* within eight days from the delivery of the *statement of claim*. The *defence* contains a short statement of the facts upon which the defendant relies to rebut the plaintiff's claim, or he may set up facts by way of set-off or *counter-claim*, in which latter case the defendant becomes the real plaintiff with regard to the counter-claim.

Formerly the defendant in such a case, if he had a claim against a plaintiff who had sued him, must have brought a separate action, called a *cross action*. But the modern procedure is framed with the object of enabling litigants to settle all questions in dispute between themselves in the same action, and for this purpose to join third parties who may be partly interested on one side or the other, for the purpose of adjusting mutual differences. If, however, the subject-matter of the *counter-claim* cannot be conveniently disposed of at the same time as the original claim in the plaintiff's action, the judge will order the actions to be tried separately. A defendant may also *demur*, that is, he may deny that certain facts alleged by the plaintiff are sufficient in *law* to entitle him to recover even if they should be true, which he may deny under certain circumstances. The defendant is then said to *plead* and *demur*. The *demurrer* or question of *law* is then argued before the judges sitting *in Banco*, as it is termed, or *on the Bench* of their respective courts. If the court should decide that the facts alleged by the plaintiff would be sufficient in law if proved to entitle him to recover, the *demurrer* is dismissed, and the action is then decided upon the *facts* at the *trial*, which generally takes place before a *jury*; but the *pleadings* must first be closed and *issue joined* between the parties.

Suppose that the defendant denies the facts upon which the plaintiff relies, and sets up other facts by way of set-off or *counter-claim* in his *defence*. The plaintiff must then within three weeks after delivery of the *defence* deliver his

reply, in which he may *join issue* on the *defence*, and in the same pleading allege the facts upon which he relies in answer to the *counter-claim* of the defendant. The defendant then delivers his *rejoinder*, in which he may, in his turn, *join issue* upon the facts alleged by the plaintiff in answer to his *counter-claim*. Either party may *demur* to any pleading of the opposite party, but when *issue is joined* on the facts alleged on either side, the pleadings are closed, and the action is then ready for *trial*.

When a cause is ripe for trial, the solicitors for either party make out statements of the facts and circumstances of their cases in writing, which are called *briefs*. They then generally select a Queen's Counsel—Q.C.—to conduct the case, and one or more barristers to assist him as *Juniors*, giving each a brief, upon which is marked the fee by which they propose to reward these services. A *Junior* may, however, conduct a case without a Q.C., or one junior may lead another, but, as a general rule, a Q.C. cannot appear without a junior for a plaintiff, although he may for a defendant. The fee of a barrister and a physician is considered in the light of a free gift, or *honorarium*, which cannot be demanded or recovered at law.

All natural born subjects between the ages of twenty-one and sixty, who have an income of £10 from land or tenements of freehold, or £20 from leaseholds, or, being householders, are rated to the poor at £30, are qualified to be *jurors*. In Wales the qualification is one-fifth less than the above; but in the City of London no man can serve upon a jury who is not a householder or occupier of a shop or counting-house, and worth £100 a year. A book called the *Jurors' Book* is kept by the sheriff, in which is entered the names of all qualified persons, and from this he selects the *panel*, or list, which, in obedience to the writ *venire facias juratores*, he sends to the sittings, or assizes, and summons those persons included in it to attend there under pain of a penalty of not less than forty shillings. Thus is formed the *common jury*.

If either plaintiff or defendant wish to have their case tried before a higher class than this, they may demand a *special jury*. The special jury list, kept as before by the sheriff, contains the names of more wealthy persons than the common jury. Formerly only special jurors were paid for their services, at

the rate of a guinea a case. They now receive a guinea a day and common jurors half a guinea.

A jury is empanelled as follows: The names of all the jurors summoned are written each upon a separate piece of paper and put into a box; the officer of the court selects twelve at random, and these form the jury. The judge having taken his seat, the jury are sworn to give a true verdict between the parties, and the trial commences. The junior counsel for the plaintiff *opens the pleadings*, stating the *issue* to be tried; the *leading* or senior counsel then states the facts of the case to the jury, after which the witnesses, by whose testimony it is to be supported, are examined by the counsel for the plaintiff, generally in turn —this is called the *examination in chief*. The defendant's counsel may then *cross-examine* the witnesses as they are called forward, to test the truth of their story, and require them to answer as to such other circumstances as may favour the defendant's case, and explain what they have already stated. Afterwards the plaintiff's counsel may *re-examine* them upon any new facts that may be thus brought out. When all his witnesses have been called (if none are to be examined for the defendant), the plaintiff's counsel *sums up* their evidence to the jury—that is to say, points out the leading facts, and comments upon them. The defendant's counsel then *replies* upon the case, and shows, if he can, that it has failed. If the defendant calls witnesses, they are examined in the same manner as those for the plaintiff have been, *his* counsel having now the right of cross-examination. Counsel for the defendant then *sums up*, and the plaintiff's counsel *replies* upon the whole case. The judge now reads over the evidence on both sides to the jury, and makes such observations upon it as he deems proper, and at the same time he directs the jury as to the law bearing upon the facts of the case. The jury are then desired to consider their *verdict*, which they return either for the plaintiff or defendant; if for the former (supposing that the action is brought to recover compensation for a wrong), stating the amount of damages to which he is, in their judgment, entitled. If the defendant has set up a *counter-claim* the jury may either dismiss it by finding a verdict for the plaintiff on the counter-claim, or they may give a verdict for the defendant on the counter-claim and dismiss the original claim of the plaintiff, or they

may find for the plaintiff on his original claim, and for the defendant on his counter-claim, and set off the amounts respectively, the one against the other. If the jury cannot agree in court upon their verdict—and they must be unanimous in returning it—they retire to a chamber apart to consult, and if after the lapse of a sufficient time it appears impossible for them to agree, they may be discharged by the judge, and the trial has to be begun over again, if the parties cannot contrive to settle their dispute in the meantime.

If either plaintiff or defendant be dissatisfied with the directions given by the judge to the jury, in point of *law*, or thinks that their verdict has been given contrary to the weight of evidence, he may apply to the divisional court in which the action was brought, to grant him a new trial: or if the case is decided against him by the judge who tried it, or by the court, upon a point of law, he may apply to the High Court of Appeal to reverse the decision, and from them he may appeal to the House of Lords.

Hitherto I have supposed that the defendant chooses to *appear* to the writ; if he does not do so the plaintiff may, by leave of a judge, go on with the action as though he had done so, if he can show that the writ has come to his knowledge; and if the defendant does not deliver his statement of defence within a given time, he will be held to admit the claim made against him, and judgment may be signed *by default*. If the amount sued for be ascertained—a debt for example—his goods may be seized to satisfy it; but if what are called *unliquidated damages*, or damages the extent of which have yet to be ascertained, are sought, the plaintiff has to call upon the sheriff to *assess* the damages. The sheriff summons a jury, and holds his court (which is generally presided over by his deputy); the plaintiff proves the amount of damages he has sustained, and the defendant may be heard in reduction of damages. The jury fix what sum is to be paid, and it is recovered according to law. If the defendant refuses or neglects to pay in this, as in any other case in which a verdict or judgment is given against him, his property may be seized by the sheriff under a writ from the court, and sold to raise the required sum, or he may be arrested and imprisoned until he shall have satisfied it, if he has the means of so doing, and neglects or refuses to do so.

The parties may agree to accept the opinion of a judge

upon the law and the facts of their case, and when his decision is given, it has all the force of a verdict by a jury. Actions involving mere questions of account are often referred to some competent person, whose *award*, when made a rule of court, is enforced by it.

The costs of the proceedings in an action are in the discretion of the Court, but in actions tried before a jury the costs are generally paid by the party against whom a decision or verdict is ultimately given, but if an action which might have been brought in a County Court is brought in the Superior Courts for a debt under £20, the plaintiff will not get his costs unless the judge certifies that it was a proper case to be brought there for trial; or if the judge, for any good cause that shall be shown to him, shall think fit to deprive a successful party of his costs, he may do so upon application made *at the trial* of the action. If the action is brought to recover compensation for a wrong—in legal language a *tort*—he must obtain a verdict for £10 to entitle him to costs without a certificate or order of the judge. If he recovers less than 40*s.* in such an action, he is deprived of his costs unless the judge certifies that the wrong was *wilful* and *malicious*, or that the action was brought to try *a right*.

In addition to the sittings held in the High Court, in the district Courts of Record, and at the Assizes for the trial of actions, there are the *County Courts*, which, with a very simple procedure, decide cases in which the sum in dispute does not exceed £100 in actions of contract; but, with the consent of the suitors, an action to any amount, but not of any character, may be tried there. The County Courts have also extensive jurisdiction under special statutes, such as those affecting the property of married women, and disputes between employers and workmen, Building Societies' and Friendly Societies' Acts, and many others. The judge usually decides both upon the law and the facts of the case, unless either of the parties desire to have it tried before a jury, which in these courts consists of five persons.

The County Courts have also jurisdiction in bankruptcy matters, and in suits against or for an account of administration of property not exceeding £500 in value; in suits for the execution of trusts, the property not exceeding £500; in suits for foreclosure or redemption or enforcing a charge, in property not exceeding £500; in suits for the dissolution

or winding up of partnership, the partnership assets not exceeding £500; and in some other cases with a like restriction as to the amount. A judge sitting at chambers has, however, the power to make an order transferring the suit to the Chancery Division of the High Court of Justice.

The Chancery Division of the High Court of Justice is presided over by the Lord Chancellor, and consists in addition of five Justices of the High Court. The Lord Chancellor is the highest judicial functionary in the kingdom, and superior, in point of precedence, to every temporal lord. It was as the King's Head Secretary or Chancellor that he interfered to correct the hardships or supply the defects of law as administered in the Courts of Law, and thus founded the system of Equity, as distinguished from Law, a system which may now be said to have absorbed the law, since the law is now subordinated entirely to principles of Equity, and to a great extent assimilated to it in procedure. The Lord Chancellor is appointed by the delivery of the Great Seal into his custody. He is a Cabinet Minister, a Privy Councillor, and prolocutor of the House of Lords by prescription, and vacates his office with the Ministry by which he was appointed. To him belongs the appointment of all Justices of the Peace and County Court Judges throughout the kingdom. Being, in the early periods of our history, usually an ecclesiastic, and presiding over the royal chapel, he became keeper of the Sovereign's conscience, visitor, in right of the Crown, of the hospitals and colleges of royal foundation, and patron of all the Crown livings under the value of twenty marks *per annum* in the King's books. He is the general guardian of all infants, idiots, and lunatics, and has the general superintendence of all charitable uses. And all this, over and above the vast and extensive jurisdiction which he exercises in his judicial capacity in the Supreme Court of Judicature.

Certain business is expressly assigned to the Chancery Division, of which the following causes are the most important:—The administration of estates of deceased persons, the dissolution of partnerships, and the taking of accounts, the redemption of mortgages, the execution of trusts, the rectification or setting aside of deeds; the specific performance of contracts relating to real property, the sale and partition of the same, and the wardship and care of infants and their estates.

The procedure of the old Courts of Chancery has formed in many respects the model upon which the present system has been based, but the process of the Bill or Petition in Equity was cumbrous and expensive. All suits or proceedings whatsoever are now termed *Actions*, and the procedure in what is now the Chancery Division of the High Court of Justice is the same as that I have already described when writing of the other division. Evidence, however, in the Chancery Division is more frequently taken by *affidavit* than *vivâ voce*, as it is frequently more convenient in that form, but witnesses may be cross-examined *vivâ voce* in the Chancery Division, and a jury may be summoned if the nature of the facts in dispute should render such a course desirable, but the latter course is very rarely adopted. An appeal lies from the decision or direction of the judges of the Chancery Division to the Court of Appeal, and thence to the House of Lords.

LETTER XIX.

CRIMES AND OFFENCES.

Definition of Crimes—Treasons—Felonies—Misdemeanours—Punishments—Costs of Prosecutions—Accessories and Accomplices—Nuisances—Common Law Offences.

CRIMES and offences are acts done, or omitted, in violation of some public law. It is the duty of the head of a State to prevent their commission as far as possible, and to inflict suitable punishment upon those who are proved to have taken part in them; not from a feeling of revenge against the evil-doers, but to make of them examples to deter others from similarly offending.

Offences against the criminal law are divided under three heads: *treasons*, *felonies*, and *misdemeanours*. The two latter together represent again two divisions of offences—1st, those acts evil in themselves (*mala in se*), "forbidden from the first by the revealed law of God," such as murder, theft, and other crimes; and 2nd, those which the spread of civilization has required mankind to provide against (*mala prohibita*), such as coining false money, frauds on the revenue, tampering with signals on railways, &c.

The principal crimes known to the law, into which it is fit that we should inquire, are as follows:—

High Treason—This crime is a very difficult one to define, and it is almost impossible to define it accurately in a small space. It comprises compassing or imagining the monarch's death, levying war against the monarch in his or her dominions, adhering to the monarch's enemies, killing the heir apparent or the Lord Chancellor, treasurer, or the monarch's justices, and violating the monarch's eldest daughter or the wife of the heir apparent. Every person who aids or assists in the case of treason is a principal traitor.

Every one who is convicted of high treason must be sentenced to be hanged by the neck until he is dead; but the Sovereign may (if the offender is a man) direct, by a warrant signed by one of her principal Secretaries of State, that instead thereof such offender's head shall be severed from his body whilst alive.

Treason Felony is rebellion of a character not sufficiently grave to be treated as high treason, and is punishable by penal servitude for life.

Murder is the taking away of the life of a fellow-creature unlawfully, intentionally, and with *malice aforethought*. The punishment for murder is death by hanging.

Manslaughter is the taking away of the life of a fellow-creature unlawfully, but *without malice aforethought*. Slaying a person in self-defence is not a crime. As the offence of manslaughter ranges from something very nearly akin to murder, down to mere mischance, to which hardly any blame attaches, so the punishment for it varies from penal servitude for life, down to a nominal imprisonment, according to the circumstances of the case.

Attempting to murder by shooting, poisoning, stabbing, &c. These crimes were formerly *capital*, that is, they were punishable with death; but under the Criminal Statutes Consolidation Acts of 1861, the punishment was reduced to penal servitude, which may, however, extend to the period of the culprit's natural life. Stabbing, shooting, or throwing explosive or corrosive substances upon any person, with intent to disable, maim, or disfigure, or do some grievous bodily harm, can be punished by penal servitude, or imprisonment with hard labour.

Robbery—Stealing from the person with violence, or threats of violence. It is punishable by penal servitude or imprisonment.

Burglary—Breaking into a dwelling-house between the hours of nine at night and six in the morning, with intent to steal therein; or (*having* committed a felony, or being in a house with the *intention* of committing one) breaking *out* of it between the same hours. It is not necessary that the premises should be actually damaged to constitute this offence. Opening a door or a window that has been closed is a constructive "breaking" in the eyes of the law. Punishment—penal servitude or imprisonment with hard labour.

Housebreaking—The same offence committed in the daytime. Punishment—penal servitude, or imprisonment with hard labour.

Forgery—Making false bank notes, cheques, signatures, wills, &c., or altering part of a genuine instrument with intent to defraud; and *Uttering*—that is, attempting to pass them off as genuine, knowing them to be false and counterfeit, are punishable in the same way as housebreaking.

Bigamy—Marrying again in the lifetime of a wife or husband; and *Piracy*—Seizing and stealing from ships at sea—are similarly punishable.

Arson—Setting fire to houses, buildings, stacks, ships, &c. Punishment—imprisonment with hard labour, or penal servitude. If a person or persons be in the house at the time it is set on fire, the incendiary may be sentenced to penal servitude for life.

Coining—Making false money. Punishment—penal servitude or imprisonment with hard labour.

Larceny—Stealing. When committed by clerks or servants, or from a dwelling-house to the value of £5, and in some other cases, penal servitude may be awarded; but, unless a previous conviction for another felony be proved against the thief, imprisonment with hard labour is the usual punishment.

Receiving stolen goods, knowing them to have been stolen, is punishable as larceny.

Embezzlement—The wrongful appropriation by clerks and servants of money or property received by them, in virtue of their employment as such for their master. Punishment—penal servitude, or imprisonment with hard labour.

Rioting—Rioters are punishable by imprisonment with hard labour; or with penal servitude, if they remain together after being called upon by a magistrate to disperse.

Escaping from prison. Imprisonment or penal servitude, according to the offence for which the prisoner was in confinement.

Assisting a prisoner to escape, with many other offences, are *felonies*.

The following are *misdemeanours*:—

Perjury—Taking a false oath. Punishment—penal servitude, or imprisonment with hard labour.

Cheating—Obtaining money or goods by false pretences,

or fraud. Punishment—penal servitude, or imprisonment with hard labour.

Assaults—Unlawful attacks upon the person, without the intents before mentioned. Punishment—fine or imprisonment with or without hard labour.

Conspiracy—Two or more persons combining together for an unlawful purpose, or to carry out a lawful one by *un*lawful means. Punishment—fine, or imprisonment with or without hard labour.

Uttering, or passing base or false coin. Punishment—imprisonment with hard labour; after previous conviction, penal servitude.

Publishing libels against individuals, or blasphemous or seditious statements against religion or government. Punishment—fine or imprisonment, or both.

Poaching—Trespassing in pursuit, and destruction of game; punishable, according to the time and manner in which it is committed, and the number of persons engaged together, by penal servitude, or imprisonment with hard labour.

Gambling—Using false scales and weights—Smuggling—Sending threatening letters, &c., &c.—are misdemeanours punishable variously, by fine, imprisonment, and penal servitude.

Finally, all *attempts* to commit felonies are misdemeanours. The amount of punishment to be awarded is within certain limits, which I need not lay down, in the discretion of the judge. Not more than two years' imprisonment can generally be given, but penal servitude for life, or any lesser term, can be awarded for serious offences. The punishment of transportation is now abolished, as our colonies are no longer willing to receive convicts, but criminals sentenced to penal servitude may be sent abroad wherever her Majesty, through her Secretary of State, may direct.

The above misdemeanours are of a *public* nature affecting the peace and prosperity of the country, and the honour of its government. In some of them, such as assaults and libels, a double remedy is open to the injured person; he may put the criminal law in motion against his assailant, and have him punished for offending against the law and breaking the peace, and he may bring a civil action against him, and obtain damages for the private wrong done to his person or character. As a general rule, it is, however, advisable to take

only one of these courses, as it is not likely that a jury would give heavy damages against a man who had already suffered punishment, or that a judge would pass a severe sentence upon a man who has already been made to pay largely for committing the same offence. But there are cases in which both civil and criminal remedies may very properly be taken, the one to compensate an injured individual, the other to vindicate an outraged law.

The cost of prosecuting persons for having committed any of the misdemeanours or felonies above enumerated, and others which have not been mentioned, is paid by the State out of the Consolidated Fund, whether the prisoner be *convicted*, that is, proved to be guilty, or acquitted.

Persons who combine together for the purpose of committing any offence, and act in concert, are all equally guilty. Thus, if several men conspire to rob a house, and some of them watch outside to prevent surprise, whilst one of their number commits a felony within, they are each and all guilty of his crime. Persons so assisting are *principals in the second degree.*

Accessories before the fact are such as command or procure a felony to be committed. Those who harbour or assist the principal felon, by hiding him, or providing him with money, or a horse, &c., &c., to escape, are *accessories after the fact.* Either class may be tried with the principal felon, or by themselves, even although he may not have been brought to trial. But his crime must be proved to have been committed. There are no accessories before the fact in cases of misdemeanour; but such persons are principals.

Ignorance of the law will not excuse from the consequences of guilt any one who has capacity to understand it. All persons are presumed to know the law, but infants under the age of seven years are supposed to be incapable of committing a capital offence; and from that age up to fourteen it must appear that they know right from wrong before the law will be put in force to punish them.

Persons of unsound mind are also exempted from punishment, as also are those who act in subjection to the powers of another, for neither can be said to have a will of their own. But the frenzy and temporary insanity produced by drunkenness is no excuse; for this is the consequence of a vice voluntarily indulged in, and not, as in the case of lunacy and mad-

ness, the act of God, which no man can prevent. A married woman who commits a felony (other than high treason or murder, or—but this is doubtful—robbery) jointly with her husband, in his presence, and with his sanction, cannot be convicted, for, in contemplation of law, she always acts under his control.

There are numerous misdemeanours of a *private* nature affecting the rights of individuals or societies, such as committing or maintaining *nuisances* prejudicial to the health of a man, or of the district in which he lives (such as chemical works), or to his or their repose and morality (such as disorderly gatherings), or to his or their peace of mind (such as keeping large stores of inflammable or explosive substances likely to create a conflagration, &c.), the expenses of prosecuting which must be borne by the parties complaining.

You must understand, however, that although most of the crimes that can be committed are defined and forbidden by Act of Parliament, still a remedy exists at common law for many offences against public justice, peace, or morality, that may not come within the strict letter of any statute; but no *new* offence can be dealt with under the common law, because, as I have said, it consists only of ancient customs. When a remedy has been provided, or a course of prosecution pointed out, by a statute, the common law yields to it. All statutes which impose penalties must be construed most strongly *against* the Crown and in favour of the subject. No person may be tried or punished twice for the same offence; if it is attempted to do so, he may plead *autrefois convict* (before convicted), or *autrefois acquit* (before acquitted), to the indictment.

LETTER XX.

CRIMINAL LAW.

The High Court of Parliament—The Court of the Lord High Steward—The Queen's Bench—Office of Coroner—Of Justices of the Peace—The Assize Courts—The Central Criminal Court—Quarter and Petty Sessions—Jurisdiction of Justices of the Peace and Police Magistrates—The Public Prosecutor—Arrest of Prisoners—Examination before Magistrates—The Indictment—The Grand Jury—The Trial—Challenging the Jury—The Verdict—The Court of Criminal Appeal—The Pardon.

Now that you know the nature of many of the offences that are punishable by our laws, I will show you by what tribunals persons suspected of having committed them are tried.

In the Letter in which I described the constitution of Parliament, I told you that the House of Lords has the right of trying persons impeached by the House of Commons. It has also the privilege, whilst Parliament is sitting, of trying its own members for treason or felony, but not for misdemeanours. A peer accused of any of the latter offences is tried in the ordinary way before a jury. A bishop, although he sits in the House of Lords, must be tried as a commoner. When Parliament is not sitting, peers may be tried for treason or felony in the courts of the Lord High Steward of England. This office is of great antiquity, but is not filled now, except on special occasions, such as the trial of a peer, for which a person is specially appointed to hold it, and when the business is over he breaks his wand of office, and his functions are at an end. Trials in this court are held before not less than twenty-four peers, including the Lord High Steward, who is the judge. In trials before the Lords in Parliament, a High Steward is also ap-

pointed, not as judge, but as a kind of speaker to regulate the procedure.

The Sovereign is supposed to be the judge in these cases, and a majority of peers return the verdict of *guilty* or *not guilty*, not upon oath, but in the words, "*upon my honour.*"

The Court of Queen's Bench, besides its civil, has a very important criminal jurisdiction; in fact, it takes cognizance of all offences, from high treason down to the most trivial assault. The Lord Chief Justice is the principal coroner of the kingdom, and all its judges are coroners and justices of the peace. It may be convenient here to state how coroners and justices of the peace are appointed, and what duties they have to perform.

The office of coroner is one of great antiquity and importance. He is so called because he has principally to do with pleas of the Crown. There are usually four or six appointed for every county of England. They are appointed by the County Council, and may be appointed for districts within counties, instead of the county at large. The Crown, and certain lords of franchises, having a charter from the Crown for that purpose, may appoint coroners for certain precincts or liberties by their own mere grant. In every borough having a separate quarter sessions, a coroner is appointed, with exclusive jurisdiction within the borough.

The office and power of a coroner are either (1) *Judicial*, or (2) *Ministerial*. (1) The *Judicial* duties consist principally in inquiring, when any person is slain, or dies suddenly, or in prison, concerning the manner of his death. A jury is empanelled, and inquisition must be found with the concurrence of at least twelve of them. The inquisition must be had *super visum corporis*, for if the body be not ound, the coroner cannot sit, except by virtue of a special commission issued for that purpose. If any be found guilty of murder or other homicide by such inquisition, the coroner is to commit them to prison for further trial, and must certify the whole inquisition under the seals of himself and jurors, together with the evidence thereon, to the Court of Queen's Bench, or the next assizes. Another branch of the coroner's office is to inquire concerning shipwrecks and treasure trove. He is also a conservator of the peace, and becomes a magistrate by virtue of his appointment, having power to cause felons to be apprehended, whether an inqui-

sition has been found against them or not. (2) *Ministerial.* He is the sheriff's substitute in executing process, when the sheriff is interested in the suit, or of kindred to either plaintiff or defendant.

Justices of the peace are gentlemen appointed by the special commission of the Sovereign, at the recommendation of the Lord Lieutenant of their county, to assist in the administration of the law. They must have a qualification of the value of £100 a year, arising out of landed estate. Certain persons, however, such as justices of corporations, peers, privy councillors, judges, and others, are privileged to act without such qualification. Their duty is to commit to prison any person actually guilty of a breach of the peace, and to bind over to be of good behaviour such as are suspected of being about to become so; also to prevent and suppress riots and affrays, by apprehending disorderly persons; and to administer the law at general and petty sessions, as will be seen hereafter. They discharge these services without any fee or salary.

The Courts of *Oyer and Terminer* and *general gaol delivery* are those which are held upon circuit in every county, before the judges of assize and commissioners appointed to assist them. The commission of *oyer and terminer* authorizes the person named in it to inquire, hear, and determine all treasons, felonies, and misdemeanours; and that of *general gaol delivery*, to try and deliver every prisoner who shall be in the gaol when the judges arrive in the circuit town, no matter by whom they are indicted, or of what crime they are charged.

The Central Criminal Court is the most important criminal tribunal in this country, as well from the authority of the judges who preside there as from the number and magnitude of the crimes which are tried before it. It was erected in 1834, and consists of the Lord Mayor, the Lord Chancellor, the Judges of the High Court (excepting those who by usage or custom were not previously to 1873 required to act), the Dean of the Arches, the Aldermen, Recorder, and Common Serjeant of London, the judges of the Sheriff's Court, and any person who has or shall have been Lord Chancellor, or a judge of the High Court, or who may be thereafter appointed by general commission of the Queen. To this court Her Majesty may issue commissions of Oyer and

Terminer, and Gaol Delivery, for the trial of all cases of treasons, murders, felonies, and misdemeanours. The court sits at the Sessions House in the Old Bailey; and there are at least twelve sessions held in every year, at times fixed by a committee of the judges. During every session two of the judges of the High Court preside in this court for the purpose of trying the more important offences. The remainder are tried by either the Recorder or Common Serjeant, or the judge of the City of London Court commissioned for that purpose; on every occasion the Lord Mayor or some of the aldermen are also present on the bench.

The Assize Courts, Central Criminal Court, and Court of Queen's Bench have power to try all treasons, felonies, and misdemeanours committed or removed for trial within their jurisdiction.

The courts of quarter sessions of the peace have a limited jurisdiction. They are restrained from trying all capital offences, and many others. Thieving, unaccompanied with violence; obtaining money or valuables under false pretences; attempts to commit felonies, indictments against nuisances and for the non-performance of public duties; offences relating to game, highways, alehouses; the settlement and provision for the poor; disputes between masters, their apprentices, and servants, are the class of cases usually heard and decided before them. The courts of quarter sessions have also the power of hearing appeals from the decisions of the magistrates in petty sessions. These usually take the form either of appeals from rates, licensing appeals, or appeals from bastardy orders.

The courts of quarter sessions in counties are held before the justices of the peace, whose chairman presides. In some populous counties a barrister of standing and experience is appointed to that post by the justices, and receives a salary for his services. In cities and boroughs the recorder is the judge. As their name implies, these courts are held quarterly, but in places where the business to be transacted is considerable, they sit by adjournment at intervening periods.

Lastly, we have the courts of petty sessions, which, in country places, are held before two or more justices of the peace, and in populous towns are presided over by a stipendiary magistrate, who must be a barrister of a certain standing, and who receives a salary for his services. The first

proceeding in all criminal cases, except high treason, takes place in these courts. They have power to deal with many cases of a trivial nature summarily—that is, to dispose of them by punishing or discharging the accused upon their own responsibility. The graver class of criminals they commit for trial to the assizes or the sessions, according to the nature of the charge made against them. Persons suspected of high treason are generally examined before a Secretary of State, and committed for trial or discharged by him.

It is not necessary to trouble you with the constitution and practice of other courts of a criminal jurisdiction, which are seldom resorted to. My object has been to give you a concise and practical view of the machinery of our criminal law, and this is comprised, to all useful intents and purposes, in the courts which I have mentioned.

Complaints had often been made of the injustice done by the want of a public prosecutor. It was urged that we had no security that every offender was brought to justice; and that some might escape, owing to the proper steps not being taken for their apprehension. Moreover, that others, by intimidation and bribes, might induce the persons they had injured to defeat justice by absenting themselves at the trial. Further that innocent persons might often suffer at the hands of unscrupulous individuals, who would not hesitate to use the criminal law and its machinery merely as a means of intimidation, oppression, or extortion. The trial itself, too, might be conducted in such a slovenly manner as to result in a verdict of acquittal.

It was attempted to remedy this defect in our criminal procedure by the Prosecution of Offences Act, 1879, which established the offices of Director and Assistant Directors of Public Prosecutions. These officials must be either barristers or solicitors in actual practice, and must retire from practice on appointment. The director must be of not less than ten years' standing, and the assistants (not exceeding six in number) of not less than seven years' standing. If the director gives notice to any justice or coroner that he intends to conduct the prosecution of any criminal case, such justice or coroner must transmit to him all the depositions, recognizances, documents, and other information relating to the same. Moreover every clerk to a magistrate or to a police court must transmit to the director a copy of the information and

of all depositions and other documents relating to any case in which a prosecution is withdrawn, or is not proceeded with within a reasonable time. If the director abandons any prosecution the aggrieved party may continue it himself, after obtaining leave of a judge; and the Act does not interfere with the rights of private prosecutors, unless for public reasons the director chooses to undertake the prosecution himself.

In every town where there is a bench of magistrates, there are attorneys who act as their clerks, and get up the evidence against persons committed for trial, and instruct counsel to prosecute. They are paid according to the number of cases entrusted to them, and it is to their interest, of course, that every complaint should be investigated. In large towns, such as Manchester, Liverpool, Birmingham, &c., there is an attorney specially appointed by the corporation to attend to all prosecutions. These are, in point of fact, likewise public prosecutors, as indeed so are the police in general, who apprehend persons in the commission of crime, receive information of offences that have been done in secret, and collect evidence.

Justice, whether it be in criminal or civil cases, is administered in public. A prisoner must be brought before a magistrate upon the earliest opportunity after his capture. The evidence tendered against him is heard, taken down in writing, and signed by the witness who gives it. This is called his *deposition*, and the prisoner, if committed for trial, has an absolute right to a copy of this on paying a small fee for making it out. If the evidence is not complete at the first hearing, but enough is given to raise a strong presumption against the prisoner, the magistrate has the power of "remanding" him, or sending him back to prison for eight days, whilst further proofs are being collected, or of taking "bail" for his appearance to answer the charge. To be admitted to bail, a prisoner must get two or more householders to be bound to bring him forward when required, on pain of incurring a penalty fixed by the magistrate, in case they should fail to do so. Sometimes the prisoner's promise, under a penalty, to appear, is taken as sufficient. When all the evidence that can be obtained is collected, the accused is either summarily convicted and sentenced, or committed for trial to the assizes or sessions, where the witnesses and

nominal prosecutor are bound over to appear against him; but when the evidence is insufficient to substantiate the charge against him, the prisoner is discharged. After committal for trial, the depositions are sent to the proper officer of the court in which the prisoner is to be tried, and there the "indictment" is prepared and written upon parchment. The indictment is a statement in legal language of the offence for which he has to answer, and any mistakes in it such as are not calculated to mislead the accused, or prejudice him in his defence, may be amended by order of the Court.

The proceedings in trials at assizes and sessions are almost identically the same. The day for holding them having arrived, a grand and a petty jury are summoned by the sheriff of the county exactly as in civil cases; the jury for criminal and civil trials being taken indifferently from the same panel. The indictments are laid before the *grand jury*, which consists usually of twenty-three persons, selected from amongst the magistrates and principal gentry in the county, who possess the qualification required of a justice of the peace. They examine only the witnesses in support of the charges against the prisoner, to see if there be a sufficient ground to justify his being put upon his trial. If a majority of twelve agree that there is one, their *foreman*, the principal person on the jury, writes "a true bill" upon the indictment. If, on the contrary, no sufficiently strong case appears, he writes "no true bill" upon it, and in some counties cuts it across, and the prisoner is entitled to be liberated if there be no other charge against him. All the indictments are brought by the grand jury from the room in which they discharge their duties into open court, and there their decision of "true" and "no true bill" on each is read out. Those prisoners against whom true bills are returned are then assembled in the dock, the indictment is read over to each by the officer of the Court, and he is asked if he pleads "guilty" or "not guilty" to the charge. This is called "arraigning" the prisoners. Those who plead "guilty" have sentence passed upon them at once, and those who plead "not guilty" are brought up in turn to be tried before the petty jury.

The plea of "not guilty" merely means, "Try me." In their legal sense, the words *plea* and *pleading* do not mean the arguments on one side or the other which are put forward at a trial, but the statements which form the issue to be tried.

If a prisoner refuses to plead, a jury is empanelled to try whether he stands "*mute of malice*," or "*by the visitation of God*"—that is, if he be merely vexatiously silent, or incapable of answering by reason of being deaf or dumb, or of unsound mind. If a verdict to the former effect is returned, a plea of "not guilty" is entered for him, and the trial proceeds; if the latter, the trial is postponed, and the prisoner sent to some asylum, from whence, should he recover his senses, he may be brought up again and tried.

It is not absolutely necessary that an accused person should be brought before a magistrate and committed before he can be indicted, although that is the most ordinary and proper course. An indictment may be preferred without his knowledge, and a "Bench Warrant" for his apprehension may be obtained from the presiding judge at assizes or sessions. By this means he loses the fair advantage which the law allows, in giving prisoners a copy of the depositions of the witnesses about to be examined against them; consequently it is a course which should not be adopted except upon extreme occasions, and one which has always of late years found disfavour with our judges, as being a proceeding by means of which the law may be employed by designing individuals as an engine of extortion or revenge.

Any number of prisoners may be charged in one indictment with an offence in which they have all been participators. Only one felony may be charged in one indictment —that is to say, you cannot indict a man for murder and burglary at once; but any number of misdemeanours may be included, and any number of indictments for distinct felonies may be brought in against one prisoner; and three acts of stealing, if committed within six months, from the first to the last, may be charged in the same indictment.

Persons may also be tried, as we have seen, upon a coroner's inquisition, without the intervention of a grand jury; and likewise upon an instrument filed by the Attorney-General, called an *ex officio* information, and upon an information filed by the Master of the Crown Office. The former process has fallen into disuse and is seldom employed; the latter lies only for misdemeanours, and the accused person is always given an opportunity of showing cause why it should not be issued against him.

When a convenient number of prisoners have pleaded, the officer of the Court addresses them thus:—

"Prisoners, these good men that you shall now hear called are the jurors who are to pass between our Sovereign Lady the Queen and you upon your trials; if therefore you, or either of you, will challenge them, or either of them, you must challenge them as they come to the book to be sworn, and before they are sworn, and you shall be heard."

The officer then proceeds to call twelve jurors from the list of those summoned, called the "panel," calling each juror by name and address. The jury then stand up in the jury-box, and are sworn one by one, and before the oath is administered the prisoner may "challenge" or object to the serving upon his trial of any person there present.

Challenges are of two kinds—1st, to the *array*, when exception is taken to the whole number empanelled; and 2ndly, to the *polls*, when individual jurymen are objected to. They are divided again into challenges *peremptory*, for which no cause is stated, and *per causam*, when a reason is given. Both kinds of challenge may be made either on behalf of the Crown or the person about to be tried. For high treason thirty-five peremptory challenges may be made; in all other felonies the limit is twenty. In cases of misdemeanour there is no peremptory challenge. If the panel be exhausted by challenges of the prisoner and the Crown, or either, before a full jury has been obtained, the practice is to call over the whole panel again, but omitting those peremptorily challenged, and then, as each juror again appears, whichever party challenges must show cause for his objection.

Challenges for cause are either to the "array" or to individual jurymen. To the array, if the sheriff be supposed to have made an unjust panel; to the individual, when he is supposed to be actuated by ill-feeling or favour towards the prisoner whom he is to try. If the cause be disputed, two *triers* are appointed, who hear the evidence and decide upon oath whether the panel is improper, or the juror impartial.

There are some old formalities connected with the arraigning of prisoners which have been permitted to fall into disuse, but which it may be interesting to mention, as they form almost the only authority that we have for some important principles.

The first step in arraigning a prisoner used to be to order

him to hold up his right hand. This was done first to mark him out from his companions in the dock, and second, to see if he had been burned in the hand for a previous offence (on which account he would lose the *benefit of clergy*), but *indirectly* it establishes the principle that a prisoner on trial *must not be bound in the dock;* for if he were, how could he raise one hand?

In many foreign countries a man may be tried and condemned in his absence. What have we to show as proof that this cannot be done here? Nothing except custom, and the old form of giving a prisoner in charge to the jury, which used to commence with the words, "Jury, *look upon* your prisoner—prisoner, *look upon* your jury."

The prisoner having been given in charge to the jury, the trial then commences. The counsel for the prosecution states the case against the accused to the jury, and calls the witnesses to support it. The prisoner, or his counsel, if he has one, may cross-examine them, and at the close of the case for the prosecution may address the jury in his behalf. And here I must impress upon you the difference of the proof required between the parties in a civil and in a criminal case. In the former the dispute is between subject and subject, and the object is to obtain all the facts in the readiest manner. Both sides must give evidence, or it will be presumed that what one deposes to must be true because it is not refuted by the other. In a criminal case it is vastly different. All the power of the State is employed against the accused; the Crown is prosecutor, and has unlimited sums of money and resources at its command, to collect evidence, secure the attendance of witnesses, and to obtain men of the highest rank at the bar to conduct the case. Therefore, as the first object of the law is to protect the weak against the strong, it throws every possible shield around the accused against the abuse of power. He is not bound to criminate himself; it is for the prosecution to prove his guilt, not for him to prove his innocence.

The case for the Crown having been closed, the presiding judge asks the counsel for the defence (supposing there be one) whether he intends to call witnesses on behalf of the prisoner. If he reply in the negative, the counsel for the prosecution sums up his evidence; and the prisoner's counsel then addresses the jury. If, on the contrary, wit-

nesses are called for the defence, the counsel for the prosecution does not sum up his evidence, but has a general reply at the close of the case; the prisoner's counsel having the right previously to sum up the evidence he has adduced. When the Attorney-General appears in a criminal case, he has a right to reply, whether evidence be given for the prisoner or not. No Queen's Counsel may accept a brief to defend a prisoner without a licence from the Crown, to obtain which a fee must be paid, of course by the person requiring his assistance. The reason for this rule is, that Queen's Counsel must all hold themselves in readiness to act for the Crown, and may be called upon at any time to conduct the prosecutions taken in her Majesty's name.

When both sides have been heard, the presiding judge sums up the evidence to the jury, who return a verdict of "guilty" or "not guilty," according to the evidence. If the former, the prisoner is sentenced according to law; if the latter, he is discharged. The same rule which governs civil proceedings prevails; the judge lays down the law, and the jury decide upon the facts. If a legal question of sufficient difficulty arise, the judge "reserves the point" for the consideration of the Court of Criminal Appeal, which is composed of all the superior judges; and pending their decision, according to circumstances, the prisoner is remanded or admitted to bail.

No new trial can be obtained upon a mistake in *fact*, even if it be clearly ascertained after the trial that the witnesses on either side have been guilty of perjury, or have been mistaken, or that others can be brought to prove or disprove any doubtful particular. If it appear that the prisoner has been wrongly convicted, the royal prerogative of pardon is exercised, and he is released. If, on the other hand, he be wrongfully acquitted, there is no resource, for, as I have told you, no person can be tried a second time for the same offence. You will easily perceive that this is a great defect in our law; it is but a poor consolation to a person who has been proclaimed a felon in open court to receive in secret, through the post, a pardon for a crime he has never committed. The pardon should be granted as publicly as the sentence was pronounced.

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A New Edition of an important work on the Government of the Country.

HOW WE ARE GOVERNED.

A HANDBOOK

TO THE CONSTITUTION, GOVERNMENT, LAWS, AND POWERS OF THE BRITISH EMPIRE

BY

ALBANY DE FONBLANQUE

THE SIXTEENTH EDITION, REVISED AND RE-EDITED.

BY

WILLIAM JOHN GORDON

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